

that delightful branch of literature devoted to the mythology of the Norsemen. In history he was deeply read, and it was his custom after an arduous day to take up the ancient histories of Greece and Rome and quiet his mind and prepare himself for rest by conversing with the great characters of the past.

To a fine classical education, acquired in his youth by earnest study, he had added in the long years of reading and research a mass of knowledge that made him an accurate scholar.

His taste for politics, his constant association with men of affairs, kept him keenly interested in all those things that make life interesting and kept him from becoming in any sense a recluse. His knowledge of the world, of the business and men of the world, so modified his wide and profound acquisitions from books that he was broad, scholarly, tolerant, and companionable.

It was delightful to sit with him when he was inclined to converse on some great book or some great branch of literature, and to listen to his perspicuous judgment of topics and their treatment.

Senator QUAY loved his home, his family, his friends, his books, and nature. No man ever really knew him who did not know him in relation to those things he valued most.

It was in this way of personal acquaintance and private friendship that I knew Senator QUAY best and longest. I valued this relation to him and, like so many other men in and out of his own State, realized the attractive combination in his character of the elements of manly courage and warmth of heart.

In my last conversation with him, but a few days prior to his death, he manifested by detaining look and gesture the yearning for human sympathy and companionship to which I have referred; and yet, in speaking of his rapidly approaching death, he harked back to the wild in his wish that he could go to the Maine woods and die, like an old gray wolf, upon a lonely rock. This was neither hopelessness nor defiance; it was simply the instinct of a brave man to meet his fate in the open and face to face, to confront death knowingly and with courageous equanimity.

Mr. President, I offer the following resolution, which I desire to have read at the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 20, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1905.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DAM ACROSS RAINY RIVER.

The SPEAKER laid before the House the bill H. R. 17331, an act relating to a dam across Rainy River, with a Senate amendment.

The Senate amendment was read.

Mr. STEVENS of Minnesota. Mr. Speaker, I move that the House do concur in the Senate amendment.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906; and

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7206. An act granting a pension to Jane Hollis;

S. 6930. An act granting an increase of pension to Helen S. Wright;

S. 568. An act granting an increase of pension to Lyman H. Lamprey; and

S. 194. An act granting an increase of pension to Chester E. Dimick.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring), That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4609) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C.

The message also announced that the Senate had adopted the following order:

Ordered, That the Senate sitting as a court of impeachment for the trial of Charles Swayne, United States judge in and for the northern district of Florida, stand adjourned until 2 o'clock p. m. on Monday, February 20, 1905, and that the Secretary notify the House of Representatives thereof.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7206. An act granting a pension to Jane Hollis—to the Committee on Invalid Pensions.

S. 568. An act granting an increase of pension to Lyman H. Lamprey—to the Committee on Invalid Pensions.

S. 194. An act granting an increase of pension to Chester E. Dimick—to the Committee on Invalid Pensions.

Senate concurrent resolution 102:

Resolved by the Senate (the House of Representatives concurring), That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois—to the Committee on the Library.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, the Senate has returned the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, with the revenue-clause excluded. I now ask that the House disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent that the House disagree to the Senate amendments on the agricultural appropriation bill, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER announced as conferees on the part of the House, Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. LAMB.

MAKING GLOUCESTER, MASS., A PORT TO WHICH MERCHANDISE MAY BE IMPORTED WITHOUT APPRAISEMENT.

Mr. BOUTELL. Mr. Speaker, I submit a privileged report from the Committee on Ways and Means, to accompany the bill H. R. 17353.

The SPEAKER. The gentleman from Illinois submits a privileged report, accompanying a bill, which the Clerk will report. The Clerk read as follows:

A bill (H. R. 17353) to make Gloucester, Mass., a port to which merchandise may be imported without appraisement.

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Gloucester, Mass.

The committee amendment was read, as follows:

Amend said bill by inserting in line 3, after the word "privileges," the words "of section 7."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MADDOX. Mr. Speaker, I would like to inquire what is the special object of this bill.

Mr. BOUTELL. This bill places Gloucester, Mass., in the same class with the other smaller ports of entry included in section 7 of the act of June 10, 1880, which gives to those ports the privileges of immediate transportation of goods received at other ports of entry and having their destination at these smaller ports. In other words, the practical effect of this bill permits goods entering at the port of Boston or the port of Portland, Me., to be immediately shipped to Gloucester without appraisement at Boston or Portland. It is in the interest of the

Gloucester importers. It secures the speedy transportation of goods. Gloucester is already a port of entry, and the goods will be appraised on arrival at the port of destination instead of being appraised at the port of entry. It involves no additional expense, and is unanimously recommended by the Committee on Ways and Means.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was read the third time, and passed.

On motion of Mr. BOUTELL, a motion to reconsider the last vote was laid on the table.

CLERK TO SELECT COMMITTEE ON THE DISPOSITION OF USELESS PAPERS.

Mr. HILDEBRANT. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Ohio presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

The Committee on Accounts having heard a statement from the chairman of the Select Committee on the Disposition of Useless Papers in the Executive Departments as to the need of said committee for a clerk for the remainder of the present session of Congress, and being convinced that such clerk is necessary for the proper transaction of that committee's business, report herewith the following resolution, and recommend its adoption:

"Resolved, That the chairman of the Select Committee on the Disposition of Useless Documents in the Executive Departments is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day from February 4 to March 4, 1905."

It should be stated that while this resolution remains in force the chairman of said committee will be denied, under the law, the usual allowance for personal clerk hire, so that, in effect, the resolution calls for the expenditure of but \$68.

Mr. MADDOX. Mr. Speaker, I would like the gentleman to tell us the necessity for this. This is simply the destruction of papers.

Mr. HILDEBRANT. It is for the disposition of useless papers in the Executive Departments.

Mr. MADDOX. What does the gentleman want with a clerk? I belonged to that committee once myself, and we had no use for a clerk.

Mr. HILDEBRANT. The gentleman from Pennsylvania [Mr. BATES], chairman of the committee, asked for a clerk, and appeared before the Committee on Accounts and gave his reason why. That reason was satisfactory to the committee and they have reported the resolution. It merely entails an expenditure of \$68. He will be denied his hundred dollars per month for clerk hire.

Mr. MADDOX. I served on that committee on one occasion with the gentleman from Iowa [Mr. HEPBURN] and we had no clerk and did not need one.

Mr. HILDEBRANT. The gentleman from Pennsylvania [Mr. BATES] says that he has work to do and needs a clerk. The committee has deemed it wise to make a favorable report.

Mr. MADDOX. I desire to hear the reason why a clerk is needed.

Mr. HILDEBRANT. The chairman of the committee [Mr. BATES] is here, and I will ask him to state what he desires in the matter.

Mr. BATES. Mr. Speaker, I will say to the gentleman on the other side who has asked the question [Mr. MADDOX] that a large number of communications from the Executive Departments of the Government have been referred to this committee, namely, from the Treasury Department, from the Interior Department, from the Post-Office Department, from the Navy Department, and others. Accompanying these statements are long lists of files of documents which they desire to have disposed of, and it is necessary to keep an index of these schedules and files and a record of what action the committee takes. This makes purely committee work for some one to transact, and it was thought advisable and proper for the four weeks in which the committee is doing a great deal of this work that a clerk should be employed.

Mr. STEPHENS of Texas. Will the gentleman from Pennsylvania [Mr. BATES] permit a question?

Mr. BATES. Certainly.

Mr. STEPHENS of Texas. I would like to ask how many bills have been referred to this committee?

Mr. BATES. No bills whatever. They are resolutions or communications from the executive officers of the Government. The Cabinet officers and the heads of Departments and chiefs of divisions, under a special act of Congress, refer these requests

to the Speaker of the House, and by him they are referred to this committee for action.

Mr. STEPHENS of Texas. What action, then, does the committee take on these accounts?

Mr. BATES. The committee has hearings and decides whether these papers shall be disposed of, and we also visit the Departments and examine the papers personally.

Mr. STEPHENS of Texas. Is it not a fact that every one of those schedules are made out by the Department and sent to your committee?

Mr. BATES. Why, certainly.

Mr. STEPHENS of Texas. Without any action on the part of the committee?

Mr. BATES. But when they multiply, as they have been doing, a record must be kept of them, and also of the transactions of the committee, and, as well, of the many communications sent to the different Departments touching our action thereon.

Mr. HILDEBRANDT. Mr. Speaker, I ask for a vote.

Mr. MADDOX. Mr. Speaker, I would just like to say that unless there is something in this business other than that which I had to transact as a member of that committee, I can not see the necessity for it. In other words, the Secretary of the Treasury and of these other Departments had all this work done. We never did a thing on the face of the earth only to go up there and look at the papers and schedules, sign a list, pay our car fare, and stay ten or fifteen minutes probably.

Mr. MANN. May I ask the gentleman from Georgia [Mr. MADDOX] a question?

Mr. MADDOX. Yes.

Mr. MANN. Does not the gentleman from Georgia [Mr. MADDOX] think it advisable that a committee of the House, dealing with a question of this sort, should keep a record showing what papers have been destroyed by permission of the committee?

Mr. MADDOX. Now, I will just answer that the House always did that.

Mr. MANN. Did what?

Mr. MADDOX. Has not the House always done that?

Mr. MANN. I do not know whether this committee has always done that or not; but it is perfectly evident if the committee does do that, it has imposed upon the clerk of the chairman of the committee a duty which other Members do not impose upon their own clerks.

Mr. MADDOX. It is the clerk of his committee, then, that we have to pay for the extra service?

Mr. MANN. His committee has no clerk.

Mr. MADDOX. Then where did the chairman of the committee get the work done?

Mr. MANN. His private clerk has been required to do the work, which your or his private clerk is not required to do. Now, if his private clerk is compelled to do committee work, why should not that clerk receive pay for the committee work for the few days that he is working as committee clerk?

Mr. MADDOX. I am just informing the gentleman that we never had either a committee clerk or anybody's clerk to do that work.

Mr. MANN. I understand perfectly well. But I asked the gentleman from Georgia [Mr. MADDOX] the question whether he does not think it desirable that the committee should keep records of these papers.

Mr. MADDOX. It has not been done heretofore, and I do not think it is necessary now.

Mr. BARTLETT. Mr. Speaker, I think the matter could be more clearly stated than we have heard it on this side of the House. My understanding of the proposition is simply this:

The amount involved in this proposition is \$68. The gentleman from Pennsylvania [Mr. BATES], the chairman of the Committee to Dispose of Waste Papers of the House, asks that he be allowed during the remainder of this session, until the 4th of March, to have his clerk paid at the rate of \$6 per day, during which time he will not receive any pay for clerk hire as a Member of Congress. His own clerk has done this work. He has demonstrated to the committee—I was not present when the resolution was passed, but I was there when Mr. BATES was before the committee and made a showing that it was necessary, to do a very considerable amount of work. The report made by the gentleman from Pennsylvania to the House will show that a great deal of work has been done, and the proposition is simply, to pay his clerk for this work, and during that time he will not receive his salary as Mr. BATES's secretary. He has done the work, and this will exclude Mr. BATES from receiving \$100 per month. This simply means paying \$68 for this work that has been done under the direction of the chairman of the committee and for the benefit of the House.

Mr. HILDEBRANT. Mr. Speaker, I call for a vote.

The question was taken, and the resolution was agreed to.

J. M. M'KAY, GEORGE E. PRINTY, AND P. L. COULTRY.

Mr. HILDEBRANT. Mr. Speaker, I present another resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Ohio, from the Committee on Accounts, presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 483.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to J. M. McKay \$145.95; to George E. Printy, \$134.75, and to P. L. Coultry, \$134.75; in all, \$415.45, in payment for extra services rendered in the months of July and August, 1904, in removing 600,000 documents from the rooms formerly used as the folding-room annex to the building now used for such purpose.

Mr. MADDOX. Mr. Speaker, I think we ought to have some explanation of this.

Mr. HILDEBRANT. Mr. Speaker, I ask that the report of the committee be read.

The report (by Mr. HILDEBRANT) was read, as follows:

The Committee on Accounts, to whom was referred House resolution No. 483, for payment to J. M. McKay, George E. Printy, and P. L. Coultry compensation out of the contingent fund of the House for services rendered in the months of July and August, 1904, in removing books from the room formerly used as an annex to the folding room to the room now used for such purpose, have had the same under consideration and recommend its adoption.

The folding-room annex, containing about 1,000,000 documents, including books and pamphlets, was located in a building north of the Capitol, on the site of the Union Station, now under construction. Therefore it became necessary in the summer of 1904 to move the annex to another building, and two months' time was given for the purpose. The Clerk of the House gave out the work of removing the books to the lowest responsible bidder, the removal to be under the supervision of the foreman of the folding room of the House. The work of removal was prosecuted during the months of July and August, 1904, daily, from 7 a. m. until 6 p. m., and the books and pamphlets were safely removed to other quarters rented for the purpose.

The beneficiaries named in the accompanying resolution were the foremen engaged upon the work, and it required each of them to work five hours per day in excess of their regular working hours according to the summer schedule, amounting in all to about thirty-five full days overtime, for which the resolution proposes to compensate them at their respective rates of compensation. The resolution, therefore, involves an expenditure of \$415.45, whereas, it is believed, had the same amount of service been performed by other and less experienced persons it would have cost not less than \$1,000, so that the resolution really effects a saving rather than an extra expenditure. It is further shown that this work was of a laborious nature, performed during the heated term, was to meet an exigency, and was carefully and efficiently executed.

Your committee therefore report the resolution favorably.

Mr. HILDEBRANT. I call for a vote.

The question was taken; and the resolution was agreed to.

BICYCLE MESSENGERS FOR ENROLLMENT CLERK'S OFFICE.

Mr. HILDEBRANT. Mr. Speaker, I present the third and last privileged resolution from the committee.

The Clerk read as follows:

Resolution 494.

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ during the last ten days of this session of Congress four bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid out of the contingent fund of the House of Representatives, at \$5 per day.

The question was taken; and the resolution was agreed to.

On motion of Mr. HILDEBRANT, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate to the diplomatic and consular appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent at this time that the House do nonconcur or disagree to the Senate amendments to the diplomatic and consular appropriation bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none; and the Chair announces the following conferees: Mr. HITT, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the District of Columbia appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the House disagree to the Senate amendments to the District of Columbia appropriation bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announces the following conferees: Mr. McCLEARY of Minnesota, Mr. BURKETT, and Mr. PIERCE.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will direct additional bills in order to be laid before the House for consideration under what is known as the "Dalzell order." It will be recollected that last Saturday bills were considered under that order, and bills that were in order on that Saturday were to be considered to-day. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. There were several bills passed over the other day without prejudice. Do those come up first in order?

The SPEAKER. They come up in the Calendar order in which they stand.

Mr. PAYNE. They stand first on the Calendar, of course.

The SPEAKER. Then they will be called first.

AMERICAN REGISTER FOR STEAMER BROOKLYN.

The first business was the bill (H. R. 5392) to provide an American register for the steamer *Brooklyn*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Brooklyn*, wrecked in Cuban waters and purchased by a citizen of the United States, and now under repair in a shipyard in the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs made upon said vessel have amounted to three times the purchase price of said vessel.

Mr. SMITH of New York. Mr. Speaker, I ask for the third reading and passage of the bill.

Mr. GROSVENOR. Mr. Speaker, I insist that this bill shall not be considered unless the gentleman from Maine [Mr. LITTLEFIELD], who has taken an active part in opposition to this bill, is given an opportunity to be heard.

Mr. SMITH of New York. I do not know that the gentleman is going to object to it.

Mr. GROSVENOR. I do not know that he is, but I know he has objected to it heretofore.

Mr. SMITH of New York. Mr. Speaker, I shall be very glad indeed to have the gentleman from Maine [Mr. LITTLEFIELD] heard on this bill. It is one of five bills considered by the committee, four of which have been passed by the House. I yield to the gentleman from Maine, who wishes to make a statement.

The SPEAKER. How much time does the gentleman yield?

Mr. LITTLEFIELD. What is the time allowed for debate on this bill?

The SPEAKER. The gentleman from New York [Mr. SMITH] has an hour, and he has the floor.

Mr. LITTLEFIELD. May I be allowed a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. LITTLEFIELD. Under what order does the bill come up at this time?

The SPEAKER. Under what is called the Dalzell order, under which, by unanimous consent, bills coming within its scope are considered on Saturday. A number were considered last Saturday.

Mr. SMITH of New York. I yield ten minutes to the gentleman from Maine.

Mr. LITTLEFIELD. Mr. Speaker, this is one of a number of bills that have been favorably reported by the Merchant Marine and Fisheries Committee, but as to which there is a minority report. It grants an American register to the steamer *Brooklyn*.

It is entirely true that the *Brooklyn*, when she bore the name of *McPherson*, was a Government vessel and employed by either the War or Navy Department during the Spanish war. She was wrecked in Cuban waters when we had jurisdiction over those waters, prior to the establishment of the Cuban Republic. I do not know but that repairs have been made enough upon this ship to entitle her to admission to an American register under the general law, provided she had been wrecked in the United States; but there is not a thing in connection with this case that differentiates it from any other case which has been before the House.

I am fully well advised that the House has already favorably acted upon other bills of a similar character against the protest of a large minority on the Merchant Marine and Fisheries Committee.

The policy of passing these special laws granting American register under these circumstances has prevailed to a very large extent during the last thirty or forty years, and to such an extent that under the general law and by special legislation large numbers of vessels have been admitted, until within the last two or three years the whole coastwise trade has risen in vigorous protest against such legislation, because it is entirely possible under the general law and by these special acts to get a

vessel into the coastwise trade with an investment of \$100,000, for instance, to compete with other investments of \$200,000 made in American shipyards. That is a fair illustration of the proportion of investment involved in the two enterprises.

Now, the Merchant Marine and Fisheries Committee at this session have declined absolutely to recommend legislation in connection with any of these registers that have been applied for. I do not think the *Brooklyn* can be successfully differentiated from these other cases that have been adversely acted upon during this session. The only possible element of differentiation may be the fact that she had the American flag when she was used by the Department; but it appeared before the committee, and there is no question about it, that the gentleman who purchased her knew that he was purchasing a vessel with a foreign register, that she was not entitled to be admitted unless she got a special act, and he took his chances when he made the purchase.

The man who made the original purchase is not now the owner. He sold to a man by the name of Latham, who paid \$2,500 more for her than the original purchaser did, and took her in a wrecked condition. He knew he was taking his chances. All I have to say about this legislation is that I protest against it in the interests of the coastwise merchant marine of the United States. With the exception of a few men who are especially interested in the enactment of legislation of this kind in their own particular cases the merchant marine is practically a unit against this legislation. I do not know what action the House will take, and I care not; I have discharged my duty when I call the attention to the great public fact that this objection is made by these interests, and has been made largely within the last two or three years by reason of the tremendous accumulation of legislation of this character.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. LITTLEFIELD. Certainly.

Mr. PAYNE. I would like to ask whether the *Brooklyn* would be of such a character of vessel as would be safe to engage in trade between the United States and the Philippine Islands?

Mr. LITTLEFIELD. I know of no reason why not.

Mr. PAYNE. If that is so, would it not be a good thing to admit her to a register, inasmuch as I am informed that no effort has been made by the people controlling the coastwise trade to prepare themselves to take up business between the United States and the Philippine Islands since the act was passed a few years ago?

Mr. LITTLEFIELD. That is a very pertinent inquiry, but it was shown before the Committee on Merchant Marine and Fisheries, without contest or successful contradiction, that there is vessel after vessel now laid up in San Francisco, laid up upon the Atlantic coast, because they can not get profitable employment even in the coastwise trade.

Why, then, introduce other vessels to engage in that trade to compete with them on the basis of one-half of the investment? It appeared before the committee without challenge, without any attempt to successfully contradict it, that there was vessel after vessel, thousands of tons, ready now to engage in the trade between us and the Philippines, if we could have that trade.

Mr. PAYNE. Does the gentleman say that that was not contradicted?

Mr. LITTLEFIELD. I say it was not successfully contradicted.

Mr. PAYNE. I think I know gentlemen who have disputed it.

Mr. LITTLEFIELD. There wasn't a pretense of evidence before the committee that is entitled to any consideration by disinterested and intelligent men, giving due weight to testimony before a committee, that tended to militate against the proposition set up where vessels were specified by name, showing that a large amount of tonnage now in existence all ready to do that business.

Mr. DUNWELL rose.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from New York?

Mr. LITTLEFIELD. I will.

Mr. DUNWELL. I would like to ask the gentleman from Maine if he does not largely oppose this bill because of the interests of the coast of Maine?

Mr. LITTLEFIELD. No; "the gentleman from Maine" opposes this bill because of the interests of the whole Atlantic coast.

Mr. DUNWELL. I would like to ask the gentleman from Maine how many vessels of this kind have been built on the coast of Maine during the past ten years?

Mr. LITTLEFIELD. There has not been one. The coast of Maine furnishes wooden vessels, and this is a steel vessel.

Mr. DUNWELL. In what respect will this vessel compete with the vessels produced on the coast of Maine?

Mr. LITTLEFIELD. I am not confining it to the coast of Maine. If the gentleman will take into account the situation, he will discover that "the gentleman from Maine" is not so provincial as to confine his views and interests to the coast of Maine. I have stated, and it is true, that the almost universal coastwise trade of the Atlantic coast is on record protesting against this legislation, and that is larger than the coast of Maine; it includes Massachusetts, it includes New York, and it includes all the way down the whole coast.

Mr. DUNWELL. The gentleman is speaking for the entire shipping interest of the United States?

Mr. LITTLEFIELD. I am endeavoring to do so; yes.

Mr. DUNWELL. All right.

Mr. LITTLEFIELD. Of course, I have not got it here, but I can furnish the gentleman at any time the records on file in the Committee on Merchant Marine and Fisheries, showing that hundreds of people representing the merchant marine are against this legislation. I do not mean this particular, specific, bill, but I mean legislation of this character. I have no feeling about this bill—not the slightest in the world.

Mr. DUNWELL. Oh, I know the gentleman has no personal interest; I know that.

Mr. SMITH of New York. Mr. Chairman, I think the gentleman's time has expired.

Mr. LITTLEFIELD. Very well; I will not further trespass upon the time of the gentleman.

Mr. BOUTELL. I would like to ask the gentleman from Maine a question.

Mr. SMITH of New York. I will yield to the gentleman from Maine time to answer.

Mr. BOUTELL. I want to ask whether we have ever before refused an American register to a vessel that had once borne the American flag in time of war?

Mr. LITTLEFIELD. I do not know that we have; but I will say this to the gentleman, and I want to be frank about it, that the War Department now has, I think, perhaps eight or ten or a dozen vessels that it would like to dispose of. They could be sold at a higher price if the War Department could sell them so that the vessels would get the American flag. This vessel brought, when she was sold, a much less price than she would have brought in the market if it had not been that she had a foreign register.

If she could have been sold by the United States Government with the right of American registry she would have sold for twice or three times what she sold for. This legislation simply gives her that right and adds that much to her value. If we admit this ship that has once borne the American flag every other ship that now bears the American flag and has a foreign register and was built in a foreign yard can refer to this as a precedent for that action; and that is one reason why—while I feel entirely friendly with the distinguished gentleman interested in this bill—I feel obliged now to call the attention of the House to the fact that this ship probably will be the precedent for others to come in, and for that reason the bill should be defeated.

Mr. BOUTELL. Well, I sincerely hope that it will be.

Mr. SMITH of New York. Mr. Speaker, the distinguished gentleman from Maine [Mr. LITTLEFIELD] has stated that this bill did not differ from any of the other similar bills that have passed this House, except that this ship bore the American flag and is the only vessel for which American registry has been asked that did bear the American flag. There were five bills considered by the subcommittee, of which the distinguished gentleman from Maine was the chairman. All five were reported favorably, and four of them have passed the House without any decided opposition from the gentleman from Maine. I just want to cite one instance. There was reported favorably from this committee a ship called the *Pyrenees*, a British ship, that was wrecked 4,000 miles from the American coast. The distinguished gentleman from Maine said that he would not object to the passage of that bill for the reason that the owner had invested all of his money in that ship and would be bankrupt if it did not obtain the American registry. Now, while the Members of this House admire the generous spirit and charitable attitude of the distinguished gentleman from Maine, they also admire one other quality which he possesses—that of being fair, broad minded, and liberal when justice is asked. This is the only ship that ever served or ever was baptized in the service of the American Republic, wrecked and purchased by an American citizen, on which were expended over eight times the amount the Government received for the vessel. It is the only instance where the owners of such a ship have asked for American registry.

The vessel referred to in this bill, now known as the *Brooklyn*, was formerly the *Obdam*. At the commencement of the Spanish-

American war she was purchased by this Government and baptized into the service of the United States under the name of the *McPherson* and used for three years by the War Department for the purpose of transporting troops and munitions of war between the United States and Cuba and Porto Rico, during which time she flew the American flag. While still employed as a United States transport, on February 4, 1901, she was wrecked about 70 miles from Florida, near the Cuban coast, Cuba at that time being under the military control of this nation. The Government made a contract with the Merritt-Chapman Company to bring her to New York. After examination it was decided by the Department not to repair the vessel, and she was offered at private sale for \$35,000. It was found impossible to sell her at that price, and she was advertised to be sold by the United States Government at public auction. She was purchased by L. E. Lunt, a citizen of the United States, for \$11,500, and he resold her to W. G. Lathan, her present owner, also a citizen of the United States, for \$15,000. He entered into a contract with the Morse Iron Works and Dry Dock Company, of Brooklyn, to put in a new bottom and keel, repair her engines, and completely restore her from the injuries due to the wreck, at a cost of \$90,000, of which amount \$88,500 has been paid and vouchers for which were presented to the Committee on Merchant Marine and Fisheries. The vessel is practically ready for sea and has been for nearly eighteen months. At the time of the sale no notification was given to the bidders at the auction that while the United States would give title that title would carry with it no rights in this country, and the people who bid on this boat, belonging to the United States Government, and which had flown the American flag for three years, found after the transaction had been consummated that they, the purchasers, had no rights under that flag.

The present owner when he purchased the vessel was under the impression that he was entitled to American register. Secretary Root, in a letter addressed to the chairman of the Committee on Commerce of the United States Senate, urged most heartily that this registry should be given, and stated in his letter that he thought it was possible that he ought to have explained to the purchaser at the time of the sale that the ship was not entitled to an American register, and that he considered it reasonable that the purchaser should have supposed that he was getting an American ship. Mr. Root added that he sincerely hoped that the bill granting American register to this ship would be passed.

Under date of April 12, 1902, Secretary Shaw addressed a letter to the chairman of the House Committee on Interstate and Foreign Commerce, which was then considering the bill, and which committee later reported it favorably, stating that he saw no objection to the passage of the bill.

Secretary Cortelyou addressed a letter to the chairman of the Committee on Merchant Marine and Fisheries, in which he stated the *Brooklyn* was formerly an army transport, and was wrecked off the coast of Cuba during the American occupation of that island, and that conditions differentiated in some respects from other applications for American registry.

A great many of the shipbuilders of the country have written letters, either to Senator Frye, chairman of the Senate Committee on Commerce, or to Chairman of the House Committee on Merchant Marine and Fisheries, indorsing the *Brooklyn's* application for registry, and stating it would have no detrimental effect on the shipbuilding interest of the United States, and in this particular vessel it would be right and just for the United States Government to grant her American registry.

Mr. CRUMPACKER. Mr. Speaker, I understand from the statement made by the gentleman from Maine [Mr. LITTLEFIELD] that if this boat had been wrecked in American waters it would be entitled to American registry under the law, because the amount that is put on in the way of repairs would fulfill the requirements of the law?

Mr. SMITH of New York. It would.

Mr. CRUMPACKER. I understand, likewise, that the ship was wrecked in Cuban waters while the United States Government had control of and administered the affairs of the island of Cuba?

Mr. SMITH of New York. It was.

Mr. CRUMPACKER. Therefore, practically, the boat was wrecked in American waters?

Mr. SMITH of New York. To all intents and purposes it was. Mr. Secretary Root, in giving title to this boat, gave title as follows:

I, Elihu Root, Secretary of War, in behalf of the United States Government, owning the whole of the wrecked army transport *McPherson*, of a burden of 2,777 tons, do bargain and sell and warrant the title against all and every person and persons whomsoever.

And the people who bought this ship thought they were buying an American vessel.

Mr. ADAMS of Pennsylvania. Mr. Speaker, how was this ship carrying the American flag at that time?

Mr. SMITH of New York. Because she belonged to the United States Government and was an American transport engaged in transporting troops and munitions of war to the island of Cuba.

Mr. ADAMS of Pennsylvania. How did she lose that title?

Mr. SMITH of New York. For the reason that she was sold at public auction by the Government and bought by a citizen of the United States, and the title did not carry with it the right to fly the American flag.

Mr. WM. ALDEN SMITH. She never had American registry?

Mr. SMITH of New York. No.

Mr. ADAMS of Pennsylvania. Then she was just in the position of a leased foreign ship, carrying supplies for the United States Government?

Mr. SMITH of New York. Not exactly.

Mr. WM. ALDEN SMITH. She was more in the position of Lafayette, who was never an American citizen, but who rendered service to this country.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SMITH of New York, a motion to reconsider the last vote was laid on the table.

JOHN W. THOMPSON.

The next business under the special order was the bill (H. R. 1476) to amend the naval record of John W. Thompson and to secure for him an honorable discharge.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of John W. Thompson, late ship's corporal, gunboat St. Clair, No. 19, Eighth Mississippi Squadron, so as to make it appear that said John W. Thompson was mustered into the naval service of the United States August 12, 1862, and honorably discharged therefrom as of the date of February 1, 1863.

The committee amendments were read, as follows:

Strike out the word "honorably" in line 9.

Strike out from the title the words "and secure for him an honorable discharge."

The committee amendments were agreed to.

Mr. MADDOX. Mr. Speaker, does this bill come within the rule under which we are now acting?

The SPEAKER. Yes, the Chair thinks so, but the Chair will cause the bill to be examined. Yes, it comes within the order.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES S. HARBER.

The next business on the Private Calendar under the order was the bill (H. R. 3916) for the relief of James S. Harber.

The Clerk read as follows:

Be it enacted, etc., That James S. Harber, late a member of Company D, Sixteenth Iowa Infantry Volunteers, be held and considered to have been honorably discharged, and that the Secretary of War is hereby authorized to carry this act into effect by issuing to said James S. Harber an honorable discharge from Company D, Sixteenth Iowa Infantry Volunteers: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read the third time; and was read the third time, and passed.

S. J. CALL.

The next business on the Private Calendar under the order was the bill (H. R. 18688) authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to appoint S. J. Call surgeon in the United States Revenue-Cutter Service, with rank, pay, and allowance of first lieutenant in said Service, including longevity pay under provisions of existing law.

Mr. MANN. Mr. Speaker, I would like to have an explanation of this bill.

Mr. COWHERD. Mr. Speaker, in 1897, gentlemen will remember, the news came down from the Arctic Circle that a whaling fleet of about 300 men were imprisoned up near Point Barrow and that the men were starving. It excited great interest and comment over the entire country, and was discussed, as I remember it, on the floor of the House as to whether it would be possible in any way to take relief to those people. The Secretary of the Treasury ordered the members of the Revenue-Cutter Service, the nearest relief to them, to organize, if possible, an expedition, and three men were detailed—two lieutenants and a doctor. These men organized a relief expedition. They gathered up from the Eskimo a number

of reindeer and drove them nearly twenty-five hundred miles in midwinter through an utterly uninhabited country, and took them to the relief of the men who were there imprisoned. It was an act of courage and of daring such as has rarely been equaled in the annals of our country. They were utterly beyond any habitation of white men, and they were in a position where they could reach no relief except by the successful termination of their journey. The Secretary of the Treasury has recommended this bill in the strongest language, and let me say that of those three men who so gallantly conducted this expedition, two of them, being officers in the Revenue-Cutter Service, were, by a general law which passed this House, placed in the Service permanently. One has since resigned and is now collector of customs for Alaska. The third, being a contract surgeon, received no compensation whatever except the medal of honor which this Congress voted him, and is to-day, having lost a large portion of his property, dependent simply on his pay as contract surgeon, and is still employed only from voyage to voyage or from year to year under a contract. Now, I want to read to the House just a line or two from President McKinley's message in regard to this expedition. It was quoted in a letter from the Secretary of the Treasury in bestowing the medals voted by Congress upon those men.

The hardships and perils encountered by the members of the overland expedition in their great journey through an almost uninhabited region, a barren waste of ice and snow, facing death itself every day for nearly four months, over a route never before traveled by white men, with no refuge but at the end of the journey, carrying relief and cheer to 275 distressed citizens of our country, all make another glorious page in the history of American seamen. They reflect by their heroic and gallant struggles the highest credit upon themselves and the Government which they faithfully served. I commend this heroic crew to the grateful consideration of Congress and the American people.

The year just closed has been fruitful of noble achievements in the field of war, and while I have commended to your consideration the names of heroes who have shed luster upon the American name in valorous contests and battles by land and sea, it is no less my pleasure to invite your attention to a victory of peace, the results of which can not well be magnified, and the dauntless courage of the men engaged stamps them as true heroes whose services can not pass unrecognized.

Had these men performed such an act of heroism in the taking of human life in battle on land or sea every one of them would have been promoted and every one of them would have been voted pensions by this Congress. I simply ask that we follow the urgent recommendation of the Secretary of the Treasury, that this man be given a permanent hold on the position he now occupies without, as I understand it, any increase of pay.

Mr. FITZGERALD. I desire to inquire of the gentleman from Missouri [Mr. COWHERD] whether there is in the Revenue-Cutter Service such an office as "surgeon," outside of "contract surgeons?"

Mr. COWHERD. There is not.

Mr. FITZGERALD. Does not this bill in effect create a new class of officials in the Revenue-Cutter Service?

Mr. COWHERD. It does not. It gives the President power by special appointment to bestow a commission to one man who now holds his place under contract. It gives him a commission that will permit him to hold it perpetually, that is all, and does it for very gallant and very meritorious service rendered.

Mr. FITZGERALD. Does not the gentleman from Missouri [Mr. COWHERD] believe that this would be a precedent for legislation creating a class of officials known as "surgeons" in the Revenue-Cutter Service?

Mr. COWHERD. It is not a precedent unless Congress wishes to make it so, and if Congress wants to do that it does not need a precedent. It can do it any time it pleases to do so, and ought to do it whenever a man renders again service so meritorious.

Mr. MANN rose.

Mr. COWHERD. How much time does the gentleman from Illinois [Mr. MANN] desire?

Mr. MANN. A couple of minutes.

Mr. COWHERD. I yield that time to the gentleman.

Mr. MANN. Mr. Speaker, I recognize the exceptional circumstances of the case of Lieutenant Call, and appreciate the fact that the Government properly ought to do something more in his behalf than it does for an ordinary contract surgeon in the Revenue-Cutter Service; and I do not antagonize this bill. I asked for an explanation of the bill, so that the explanation might be in permanent form in the Record. And I now simply wish to say that as far as I am concerned I give notice to the other contract surgeons in the Revenue-Cutter Service that this is not a precedent for putting them upon the permanent force of the Government, and then retiring them in the end upon the retired list.

Mr. COWHERD. I think no such meritorious service could be shown by any other man in the service.

Mr. MANN. Well, Mr. Speaker, when a man has a chance, or his friends have, to describe his merits without regard to the merits of others, it is never a difficult task to ascribe great merit to the individual.

Mr. COWHERD. This has been recognized by Congress.

Mr. MANN. This particular case does deserve reward, but if we listen to the tales of woe which will be poured into our ears by others, perhaps other cases will seem meritorious, and I do not wish this case to be taken as a precedent for the others.

Mr. HEPBURN. I fully agree with what the gentleman from Missouri [Mr. COWHERD] has said about this case. It is a very remarkable one, a very exceptional one, and, in my judgment, can not be regarded as a precedent or as establishing a rule by which the other contract surgeons in the Revenue-Cutter Service can claim a permanent relation to the Government. I believe this man ought to have some reward and a very great reward. I do not believe that anything has occurred in our history during the last fifty years that exemplifies the same devotion to duty and the same measure of wonderful sacrifice as these men engaged in while upon that expedition. And therefore, Mr. Speaker, I certainly hope this bill will pass.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

JACOB LYON.

The next business on the Private Calendar was the bill (S. 5337) for the relief of Jacob Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Jacob Lyon, late of Battery E, Second Regiment United States Artillery, a bounty-land warrant of 160 acres by reason of his military service rendered prior to March 3, 1855.

Mr. BARTLETT. Mr. Speaker, I understood that bill to be one of those that were laid on the table last Saturday, or was it passed?

The SPEAKER. The bill was pending last Saturday.

Mr. WM. ALDEN SMITH. Mr. Speaker, this is a Senate bill introduced by Senator ALGER, and has passed that body. The bill was reported by my colleague, Mr. FORDNEY, who is now absent, from the Committee on Public Lands, and simply provides for giving a land warrant to a soldier who served in the Regular Army and in Indian battles prior to 1855. In accordance with the act of Congress approved March 3, 1855, soldiers of volunteer forces were given bounty warrants good for homestead commutation.

Mr. BARTLETT. Well, if under the law he is entitled to this land warrant, why do we pass such a bill?

Mr. WM. ALDEN SMITH. The question which arose in the Interior Department when the warrant was applied for by the soldier, was whether the service rendered by Jacob Lyon came within the provision of the law. There was no question about his fighting the Indians and rendering the country a valuable service, but this bill authorizes the recognition, and I have no doubt, from the statement of Senator ALGER and the report of my colleague, Mr. FORDNEY, that it is meritorious legislation, and I hope my friend from Georgia will not object to its passage.

Mr. BARTLETT. I always have to submit to the persuasive voice of my friend.

Mr. GIBSON. Mr. Speaker, this bill has been twice favorably reported in previous Congresses. This soldier served seven years, and the case is exceedingly meritorious. It has been fully discussed. The only objection to it, when it was called up, was made by the gentleman from Illinois [Mr. MANN], and he is now thoroughly satisfied of the equity of the bill. I hope that it will pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. THOMAS MASON.

The next business on the Private Calendar was the bill (S. 2354) to authorize the promotion of First Lieut. Thomas Mason, Revenue-Cutter Service.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to advance Lieut. Thomas Mason, Revenue-Cutter Service, one grade, from first lieutenant to that of captain, on the "Permanent waiting orders" list in the Revenue-Cutter Service, for meritorious acts while in the service of the Navy and of the Revenue-Cutter Service of the United States: *Provided, however,* That no increase in pay or allowance is to be made by the advance in grade hereby authorized.

Mr. DALZELL. Mr. Speaker, it seems to me that that bill does not come within the order.

The SPEAKER. The Chair, on examination of the order, finds that it provides for the consideration of bills excepting "such as may involve promotions of persons already in the Army or Navy." This seems to be in the Revenue-Cutter Service. It comes under the substance of the rule, but not the letter.

Mr. HULL. What is the use of giving an increase of grade if no increased salary goes with it?

Mr. WILEY of New Jersey. Mr. Speaker, First Lieut. Thomas Mason resides in my district. I have known him for a number of years. He is quite an old man. He was an acting captain in the Revenue Marine and was retired on account of disability. He wants to die a captain. He will not live a great while, and he simply asks that this bill be passed so that he may get that rank, which he would have had if he had been able to continue in the Government service. His record is a good one; I have it here, and will read it if it is necessary. It shows him to have been a very brave man, to have received the commendation of his superiors, and to be mentioned in commendation in general orders.

NAVAL RECORD.

Appointed acting master's mate December 17, 1861. Assigned to duty on U. S. steam sloop *Hartford* (Farragut's flagship) January 6, 1862. Participated in the actions of Forts Jackson and St. Philip, April 24, 1862, and in the actions with the Chalmette batteries and the capture of New Orleans, April 25, 1862, and in the actions at Vicksburg on June 28 and July 15, 1862. In 1863 he was assigned to duty on U. S. S. *Grand Gulf*, engaged in blockading duty off Wilmington, N. C., in 1864; promoted to acting ensign and assigned to U. S. S. *Seneca* and took an active part in the bombardment and capture of Fort Fisher, N. C., in January, 1865. He was an officer in charge of a portion of the men of the *Seneca* in the naval assault upon Fort Fisher and was honorably mentioned by Lieut. Commander M. Sicaide in his official report. (See p. 166, Secretary Navy's Report for 1865.) He participated in the capture of Fort Anderson and other works and ending in the capture of Wilmington, N. C., February 22, 1865. In early part of February he was in a night boat expedition, under command of the Lieut. Commander William B. Cushing, for the purpose of locating obstructions, etc., in the Cape Fear River.

In March, 1865, while the *Seneca* was employed as guard ship at Hampton Roads, he assisted in rescuing the Hon. John T. Hoffman, afterwards governor of New York, and others when in great peril of drifting to sea during inclement weather. He was discharged from United States Navy February 7, 1868.

RECORD IN UNITED STATES REVENUE-CUTTER SERVICE.

Commissioned third lieutenant September 2, 1868. Assigned to revenue cutter *Moccasin* at Wilmington, N. C., where valuable assistance was rendered to the Clyde Line steamers and other vessels. In April, 1869, and until November was on duty on the steamer *Fessenden* at Detroit, Mich. In November was assigned to revenue steamer *Lincoln* at San Francisco until April, 1870, when he was ordered to Sitka, Alaska, for duty on the sailing cutter *Reliance*. In July, 1870, while cruising in the Arctic, seized the schooner *Louisa Simpson* (American, 95 tons) for violation of laws relating to Alaska. Lieutenant Mason was detailed with two men to take command of this small vessel and deliver her to the collector of customs at Sitka, which, as the official documents show, was accomplished. This of itself was a task of no little moment, inasmuch as he had eight men who belonged to the vessel and were difficult to keep under control. One of them had on the first night after the seizure endeavored to disable the prize by cutting the lanyards of the lower rigging.

Lieutenant Mason left Sitka for Portland, Oreg., with this same gang and delivered them to the United States authorities at Portland on September 17, 1870. The vessel and cargo were forfeited by decree of the United States district court, and in December, 1870, he returned to Sitka, reaching there early in January, 1871, to find orders to bring the *Reliance* to Port Townsend, Wash., which duty devolved upon him. It was successfully accomplished. He was practically alone, all the officers save one having been detached. In March, 1874, he took the sailing cutter *Relief* from Galveston to Mobile. In November, 1877, he was detailed to restore order on the American ship *Lawrence Brown*, lying at Delaware Breakwater. This duty necessitated his getting that vessel under way and putting her to sea before the refractory crew yielded. In 1879 a case on a German ship similar to that of the *Lawrence Brown* was successfully straightened out by Lieutenant Mason.

Extract from Flag-Officer Farragut's report of the action of June 28, 1862, at Vicksburg (see Secretary of Navy's report for 1862, p. 393, bottom of page):

"As to Commander R. Walnwright and the officers and crew of this ship, I can not speak too highly of their steadiness and coolness, and the energy with which they performed their duties."

Extract from report of Commander Richard Walnwright, of the U. S. flagship *Hartford*, of the actions of April 24 and 25, 1862, off Forts Jackson and St. Philip and below the city of New Orleans (see Secretary of Navy's report for 1862, p. 292):

"The guns were well worked and served, and when officers and men behave with such courage and coolness I consider it a credit to the ship to say that it is impossible for me to individualize."

Report of Commander Walnwright of the action in passing the batteries at Vicksburg, morning of June 28, 1862 (p. 402):

After specifically naming some of the officers, he closes by saying:

"In fact all—officers and men—were a credit to the ship and to the country for which they have so gallantly fought."

So far as relates to his record in the United States Navy during the civil war, the following have signified their readiness to render testimony in support of his claim for advancement on account of meritorious service: Rear-Admiral John C. Watson, United States Navy; Capt. William Schultz, police department, New York City; Mr. W. Grey Werner, chief clerk to United States light-house engineer, Tompkinsville, N. Y.; and that part relating to his record in the United States Revenue-Cutter

Service will be corroborated by Captains Kilgore, Maguire, Rogers, Howlands, Wadsworth, the present chief of the division, and the engineer in chief of the Service.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WILEY of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEONARD I. BROWNSON.

The next business on the Private Calendar was the bill (S. 4066) for the relief of Leonard I. Brownson.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to revoke and set aside so much of General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of the date of September 18, 1864; and said Leonard I. Brownson shall not be entitled, by virtue of this act, to any pay or allowance.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 17117) granting an increase of pension to George H. Brustarr, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. GALLINGER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. LATIMER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6351) granting an increase of pension to Martin T. Cross.

WILLIAM A. TREADWELL.

The next business on the Private Calendar was the bill (H. R. 3535) to grant honorable discharge to William A. Treadwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to William A. Treadwell, late captain of Company G, Fourteenth Regiment New York Heavy Artillery Volunteers, an honorable discharge, to date from December 14, 1864.

The amendment recommended by the committee was read, as follows:

After the word "sixty-four," in line 7, insert: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES STIERLIN.

The next business on the Private Calendar was the bill (S. 63) for the relief of Charles Stierlin.

The bill was read, as follows:

Be it enacted, etc., That Charles Stierlin, late second lieutenant, Battery L, First Missouri Artillery, shall be considered and held to have been honorably discharged from the service of the United States March

16, 1864, and an honorable discharge shall be issued to him of that date: *Provided*, That this act shall not be construed to entitle him to any pay, compensation, or allowances.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

RELIEF OF THE MISSION OF ST. JAMES, IN THE STATE OF WASHINGTON.

The next business on the Private Calendar was the bill (H. R. 1520) for the relief of the Mission of St. James, in the State of Washington.

The bill was read, as follows:

Whereas Congress, in the act entitled "An act to establish the Territorial government of Oregon," approved on the 14th of August, 1848, provided "that the title to the land, not exceeding 640 acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary societies, respectively, belong," and by the act entitled "An act to establish the Territorial government of Washington," approved on the 24 of March, 1853, provided "that the title to the land, not exceeding 640 acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary societies, respectively, belong;" and

Whereas the Secretary of the Interior, under date of January 29, 1872, after reviewing the testimony adduced and the law in the case, acknowledged the existence of a Catholic mission, known as the "Mission of St. James," at Vancouver, Territory of Washington, at the date of the passage of the act of August 14, 1848, within the meaning and provision of the aforesaid acts; and

Whereas by order of the Commissioner of the General Land Office, dated September 29, 1859, there was made a survey of the said claim, and a plat thereof, dated December —, 1861, approved by the surveyor-general of Washington Territory, was forwarded and is now on file in the General Land Office, such survey placing the mission improvements as near the center of the claim as possible, and interfering with no prior legal rights; and

Whereas the Government of the United States having occupied a large portion of the said land for the purpose of a military post, and having expended a large amount of public money to establish and maintain a military reservation thereon, notwithstanding the fact that the absolute fee and title to said land vested in the Mission of St. James, under the provisions of the acts of Congress of August 14, 1848, and March 2, 1853: Therefore

Be it enacted, etc., That there shall be paid, out of any money in the Treasury not otherwise appropriated, to the Right Reverend Bishop of Nesqually, in the State of Washington, as trustee of the said Mission of St. James, the sum of \$200,000 upon filing in the proper Department a release to the United States, to be approved by the Attorney-General, of all claim to the land embraced within the limits of the military reservation at Vancouver, in the State of Washington, and of all claim for damages for destruction of property on or near the said land by the United States troops or volunteers or Indians at any time anterior to the date of said release.

The amendments recommended by the committee were read, as follows:

First. To strike out, on page 2, lines 5 and 6 of the last paragraph of the preamble, the words "the absolute fee and title to the said land vested in the Mission of St. James" and insert in lieu thereof the following: "the Mission of St. James claimed the title thereto;" so as to make that paragraph read:

"Whereas the Government of the United States having occupied a large portion of said land for the purpose of a military post, and having expended a large amount of public money to establish and maintain a military reservation thereon, notwithstanding the fact that the Mission of St. James claimed the title thereto, under the provisions of the acts of Congress of August 14, 1848, and March 2, 1853: Therefore,"

Second. To strike out on page 3, lines 3 and 4, the words "two hundred thousand" and insert in lieu thereof the following: "forty-five thousand."

Your committee therefore suggest that the bill be amended so as to conform to the foregoing recommendations and be reported to the House.

Mr. BARTLETT. I will ask the gentleman from Washington, Mr. Speaker, to explain this bill to the House. He had partially done so last Saturday when the objection to it was raised, and it was passed over without prejudice at that time. I have not yet heard why the bill should pass.

Mr. JONES of Washington. Mr. Speaker, I will yield ten minutes to my colleague Mr. CUSHMAN, who is a member of the committee that reported this bill.

Mr. CUSHMAN. Mr. Speaker, this is a bill to reimburse the Catholic mission of St. James, in the State of Washington, for its equitable claim to some 430 acres of land in the State of Washington. Perhaps I can give the House a little general idea of the claim by giving a very brief history of the circumstances out of which the claim arose.

In the year 1838 the Catholic missionaries established a mission near what is now the city of Vancouver. That was then a part of the Territory of Oregon. Afterwards it was a part of what was the Territory and is now the State of Washington. In the year 1848, ten years after that mission was established, the organic act of the Territory of Oregon was passed which confirmed in each mission then established the title to not exceeding 640 acres of land occupied by said mission. This St. James mission had been established ten years at the time the organic act was passed.

After the organic act was passed the mission continued in possession of this land, where they had erected numerous buildings. Among others, in the nineteen different buildings which they had erected at this mission, were a church, a convent, an old ladies' asylum, an orphan asylum, a storehouse, a bakery, a workshop, and many other good and substantial buildings.

After they had established this mission the military authorities sent out a detachment of troops that were quartered at this same place, and, in 1850, about two years after the organic act of Oregon was passed and twelve years after the mission was established, the commandant of the military post issued a proclamation proclaiming this 640 acres and other lands to be a military reserve. A couple of years after that Congress, utterly ignoring the prior rights of this mission, passed an act creating a military reserve at this point, and including this 640 acres of land claimed by the mission.

The bishop of Nesqually, the Rev. Edward J. O'Dea, commenced legal proceedings to confirm the title to this 640 acres of land in the mission. That case went to the Supreme Court of the United States and is known as the case of the Bishop of Nesqually against Gibbon and others, found at page 155 of 158 United States Supreme Court Reports.

I wish to state frankly to the House that in that decision made by the United States Supreme Court the court did not find that the mission was entitled to this 640 acres of ground. We are presenting this claim here as an equitable rather than a legal claim. The reason the Supreme Court failed to find the legal title in the mission to this 640 acres of land was, I think, because of the unfortunate method in which the case was prepared and presented to the United States Supreme Court.

The claim was presented by ex-Attorney-General Garland upon the theory that, as the unquestioned fact existed that this mission had been established and that the organic act confirmed in all missions then established 640 acres of ground, or the title thereto, he felt that it was only necessary for him to show these two points. The Supreme Court, however, took the ground that it was not sufficient merely to show that this mission was founded and was in existence when the organic act was passed, but in addition thereto it was necessary to show that the mission was in complete occupancy of the entire 640 acres. And the court finally determined that it was only shown by the record in the case that they were in actual possession of the one-half acre upon which they had built a church.

Now, the facts are, as abundantly shown to this committee by the unquestioned records, that they had constructed on this land nineteen separate and substantial buildings. Among other things they had planted an orchard of 7 acres, and I think the contention that they were not in permanent occupancy of any more than one-half acre is answered by the fact that among other things they had established a cemetery of about 5 acres. Now, for my part, I can not conceive of any character of occupancy of real estate that is any more permanent in its character than that of a cemetery. [Laughter and applause.]

The Committee on Private Land Claims considered this case very carefully. These people in the first instance asked for \$200,000, which would be a modest estimate of the value of this 640-acre tract, which abuts upon the city of Vancouver, one of the substantial cities of the State of Washington. But the Committee on Private Land Claims said they did not think under the peculiar circumstances surrounding this case that we should report a bill for \$200,000, but we did report a bill, based upon the equitable claim of these people, for \$45,000.

Mr. LIND. Will the gentleman yield for a question?

Mr. CUSHMAN. Certainly.

Mr. LIND. Upon what do you base that valuation?

Mr. CUSHMAN. I shall be glad to answer the gentleman's question. In the first place, the uncontradicted testimony showed that these missionaries had erected there buildings of the value of \$25,000, which buildings were taken possession of and occupied, and some of them destroyed, by the United States troops. That constitutes \$25,000 of the \$45,000 in this bill as reported by our committee. The remaining \$20,000 is represented by 430 acres of the 640 acres, at a basis of \$46 per acre. That would make something over \$19,000—in round numbers \$20,000—for 430 acres of land, which, added to \$25,000 for the buildings, make \$45,000. You will observe that in this bill we only ask pay for the improvements and pay for 430 acres of land, and not 640 acres. The reason for that is that various citizens of the State of Washington, recognizing the title of the mission to this land, have bought from the mission and paid for 210 acres of this land. We do not ask pay for that twice.

Mr. LIND. Let me ask the gentleman, when was that decision of the court rendered?

Mr. CUSHMAN. This claim has been in court for a number of years, and the final decision made by the United States Su-

preme Court was made, I think, in the year of 1895. The case was started, I think, about the year 1887.

Mr. LIND. When was the claim first brought before Congress?

Mr. CUSHMAN. It was brought before Congress a short time after the adverse decision was rendered by the Supreme Court. I first came into Congress in 1899, on the 4th day of March, and this claim was pending here at that time, and our committee, after a most careful examination of this claim, have twice reported a bill favorably to pay these people \$45,000 for the damage they have sustained.

Mr. LIND. Why should not this claim take the course that other claims of that character usually do, by being referred to the Court of Claims?

Mr. CUSHMAN. I will say that we were acting directly under a precedent established by Congress in the Thirty-sixth Congress.

Mr. LIND. But we did not have a court of claims at that time.

Mr. CUSHMAN. That may be, but the fact that we have a Court of Claims now is no reason why this Congress may not consider an equitable claim. And we are pressing this as an equitable and not a legal claim.

Mr. LIND. I will suggest that I know of thousands of claims that are now pending before the Court of Claims that are equitable.

Mr. CUSHMAN. That may be true, but does the gentleman think that the military authorities of the United States should be permitted to take what belonged to this mission and forcibly eject these people from this land on which they first settled and to which they have an equitable title and a moral right?

Mr. LIND. That is not my question at all. What I would like to know is in what respect this claim is different from others that are habitually referred to the Court of Claims, and for the determination of which the Court of Claims is established.

Mr. CUSHMAN. I just stated that one reason why we adopted this method was because we were following in direct line with the precedent established in the Thirty-sixth Congress. Provision was then made by Congress to reimburse the Methodist mission for land that they owned at The Dalles, in Oregon. The Methodist mission at The Dalles had secured their title to 640 acres of land in exactly the same way this St. James mission secured their title to 640 acres of land; and the Methodist mission lost their land just as these people here lost theirs, that is, by the military authorities taking forcible possession of it. The land in the case of the Methodist mission was paid for by Congress by an appropriation of \$46 per acre for the land which was taken, and the land taken in that case is not nearly as valuable as the land taken in this case.

Now, there is one other point to which I would like to call the attention of the Members of the House, and that is that the Supreme Court has already confirmed the absolute title of these people to this half acre of ground, which half acre is to-day located in the center of the military reservation of the United States. They have a right to that half acre, with the right of ingress and egress to that property, and if their title shall remain in that unquestioned, that fact will to a large extent destroy the uses and the value of that military reservation. And the value of that military reservation is ten or twenty times greater than the amount of this claim.

Mr. BARTLETT. May I suggest to the gentleman that the fact that the Government does not own that piece of land in the middle of the reservation is not so very important, because the Government can condemn it by paying a reasonable price for it? In other words, it is not necessary to pass this bill in this manner, where all the evidence is ex parte so far as the Government is concerned, in order for the Government to get a half acre of ground in the middle of it; because if that is true, the Government has the sovereign power to condemn the property.

Mr. CUSHMAN. I will say to the gentleman that there is even an easier way than that. The Government can take forcible possession of the half acre without any condemnation proceedings, just as it took possession of the 639½ acres. [Laughter.]

Mr. BARTLETT. I did not suggest that, because it is not the right of the Government to take private property for public use without just compensation.

Mr. CUSHMAN. And yet the Government has already done that very thing that the gentleman has spoken of in this case; and it is by reason of that that we ask for the passage of this bill.

Mr. BARTLETT. But the gentleman from Washington must recognize the decision to which he has just referred, where the Government is charged with having illegally taken possession of

this land—that their right to it has been sustained by the decision of the Supreme Court.

Mr. CUSHMAN. I will say to the gentleman, as I said to the House, that our committee, in the consideration of this bill, considered it merely from an equitable standpoint. It was unfortunate that at the time the case went to the Supreme Court it was presented in the manner that it was.

Mr. BARTLETT. I want to say to the gentleman from Washington that the gentleman he has referred to as representing these claimants was a gentleman who stood high in the legal profession and who was distinguished as an able Attorney-General of this Government.

Mr. CUSHMAN. There is no question about that, and yet the unquestioned records of our Territory and our State show that these people were in possession of that land before military authorities went there; that they had erected and constructed nineteen different buildings; that they had built a church; that they had planted a 5-acre orchard; that they had established a cemetery, and had 46 acres of this land that they used for pasture, and all that sort of thing. And in spite of all that the Government came in and took possession of this land under which these people had the right and title by the organic act of Oregon.

Congress has already recognized a similar claim, which is the case of the Methodist mission in Oregon; and in that case Congress appropriated \$20,000 to pay the Methodist mission, \$16,000 for the value of their land and \$4,000 for their improvements.

Mr. BARTLETT. Mr. Speaker, I do not call attention to that, but the gentleman seems to rest a good deal upon the proposition that the Government took part of these people's property in the center of their reservation, and that therefore they would have the right of ingress and egress, and the Government would have the right to retain it and pay for it.

Mr. SOUTHWARD. What was the nature of this action brought to get possession of this land?

Mr. CUSHMAN. It was in the nature of a proceeding in ejectment, to eject the militia with a prayer in equity to have the legal title to the land confirmed in the mission.

Mr. BARTLETT. Then it is true that the equitable phases of this claim have been passed on and considered by a court?

Mr. CUSHMAN. No; the legal title has been passed upon.

Mr. BARTLETT. I understood the gentleman to say that it was an action in ejectment and also an inquiry into the equitable rights of the parties.

Mr. CUSHMAN. Oh, any proceeding in court to confirm a title is necessarily an action equitable in its character. And yet, in this case, through unfortunate circumstances, the result of this equitable proceeding was about as inequitable as it could possibly be. The facts that stand out very prominently in this case, that have never been denied and can not be denied, are that the missionaries went to this country in 1838 and founded this mission; that afterwards, in 1848, the organic act confirmed in them title to 640 acres of land, and subsequently the military authorities took away from them all of that land except about one-half an acre, and in the last year or two they have been crowded off that half acre.

Mr. BARTLETT. The gentleman speaks of taking the land away from them. How did they take it?

Mr. CUSHMAN. Just simply moved in and proceeded to build barracks and quarters for soldiers there.

Mr. BARTLETT. Without any authority whatever?

Mr. CUSHMAN. Without any authority whatever, and within the last few years, the first monument that these people had erected in the interests of civilization—the first church that pointed its spire toward heaven in our State—was burned under very peculiar circumstances, to say the least. They have simply taken possession violently. In conclusion I merely wish to place in the Record a memorandum of this Methodist Mission case in Oregon, in which Congress made an appropriation to pay them, the same as we now ask Congress to do in this case. The Methodist Mission case was covered by a bill, being H. R. 374, Thirty-sixth Congress, first session, and was favorably reported from the House Committee on Military Affairs, House Report No. 120, Thirty-sixth Congress, first session, and was afterwards passed by Congress. That act was approved June 18, 1860, by President Andrew Johnson. (See proceedings of the 36th Cong., 1st sess., p. 3134.)

I now yield, Mr. Speaker, to my colleague from the State of Washington [Mr. JONES].

The SPEAKER. The question is on agreeing to the amendments to the bill.

Mr. BARTLETT. Mr. Speaker, let us hear what they are.

The SPEAKER. The Clerk will report the amendments.

The Clerk again reported the committee amendments.

Mr. LIND. Mr. Speaker, I desire to offer an amendment to the proposed amendment, to substitute "twenty-five thousand" instead of "forty-five thousand."

Mr. JONES of Washington. Mr. Speaker, I do not think I can yield for that.

The SPEAKER. The gentleman is entitled to his time. As the gentleman is aware, if the bill is ready for action, an amendment if germane, would be in order, unless the gentleman from Washington demands the previous question.

Mr. LIND. Mr. Speaker, I do not care, if the gentleman does not desire to yield.

Mr. JONES of Washington. I yield to the gentleman, that he may offer an amendment.

The SPEAKER. The Clerk will report the amendment the gentleman from Minnesota offers.

The Clerk read as follows:

Amend the committee amendment by striking out "forty-five" and inserting "twenty-five."

Mr. LIND rose.

The SPEAKER. Does the gentleman yield?

Mr. JONES of Washington. How much time does the gentleman want?

Mr. LIND. One minute.

Mr. JONES of Washington. I yield to the gentleman for one minute.

Mr. LIND. Mr. Speaker, it seems to me that this bill ought not to be here at all. We have a Court of Claims for the determination of questions of this character. I think it is very unwise for this House to assume to revise the decisions of the Supreme Court. Granting all the gentleman claims, that this society had erected buildings to the value of \$25,000, he ought to be content with that amount. In addition to reimbursing it for the building which it alleged were taken, I can not consent that we pay for 480 acres of land which the Supreme Court of the United States has said it had no title to.

Mr. JONES of Washington. Mr. Speaker, I want to say to the gentleman from Minnesota [Mr. LIND] that the committee has cut down almost the entire claim here. Under the act of Congress these people were entitled not alone to what they actually occupied, it seems to me, but to an amount not exceeding 640 acres, and the testimony shows that they had exceeding a half acre, 5 or 6 acres for some purposes, and 7 or 8 acres for others, and the lowest estimate given for improvements alone, the houses and buildings, regardless of the land, is \$25,000. Therefore it seems to me that it is unreasonable for this House to say that we will simply give them the value of their improvements. As was suggested by my colleague, the gentleman from Washington [Mr. CUSHMAN], in a similar case at The Dalles, in Oregon, where the Methodist Missionary Society was involved, Congress passed an act giving to them \$20,000, where the value of the improvements was estimated at \$4,000.

Now, to cut this society merely to the actual improvements seems to me not equitable. It is not fair; it is not just. Now, I do not think that the Court of Claims has any jurisdiction in a matter of this kind. I am not thoroughly familiar with the jurisdiction of that court, but this is in the nature of a tort on the part of the Government.

Mr. LIND. In the nature of what?

Mr. JONES of Washington. In the nature of a tort on the part of the Government.

Mr. LIND. Is it a tort on the part of the Government to take that which is its own by the decision of the highest court?

Mr. JONES of Washington. But the Supreme Court did not say it did not take something that was not its own. It did say this society was entitled to one-half acre of land, but this has been taken by the Government.

Mr. LIND. I think \$25,000 is pretty good pay for a half acre.

Mr. JONES of Washington. It is not pay for a half acre. I do not know under what circumstances this case was sent to the United States Supreme Court. It has been suggested here that Attorney-General Garland did not get his record in shape. I do not believe he got this case in shape in the lower courts. He took it when it came to the Supreme Court of the United States on the record made in the lower court.

Mr. LIND. I wish to say I do not know a thing about the case, either about the merits—

Mr. JONES of Washington. I am satisfied of that.

Mr. LIND. Except as it appears before the House in this report and on the decision of the Supreme Court of the United States, and as it so appears I say that so far as my judgment goes this House ought not to determine it at all. It ought to go to the Court of Claims. I would be perfectly willing to recognize the equities of the claim of the society if there be equities, and let it be adjudicated on that basis, but I do not think it is wise for this House to assume to revise a judgment of the

Supreme Court of the United States. If we insist on doing it I say allow \$25,000. This is the estimate for the actual property taken and no more. I have no feeling in the matter at all.

Mr. JONES of Washington. I understand; but the gentleman is mistaken, however, if he says this is our own value of the property taken. These buildings were put up there at an expense of \$25,000 without reference to the value of the land. This land itself, however, is very valuable, being estimated as worth \$5,000 per acre.

Mr. PAYNE. But the Government does not get a half acre.

Mr. JONES of Washington. Yes, sir; the entire military reservation.

Mr. PAYNE. The Supreme Court decided, I understand, that belonged to these men.

Mr. MANN. Will the gentleman yield for a question—

Mr. PAYNE. We do not get title under this bill.

Mr. JONES of Washington. They have got it.

Mr. MANN. If the Government does take private property belonging to anyone in the country under the law, can not the private owner file a claim in the Court of Claims and recover judgment?

Mr. JONES of Washington. The gentleman is better able to answer than I am.

Mr. MANN. I will inform the gentleman there is no possible question about that. If the Government does seize private property under such circumstances they have a remedy.

Mr. JONES of Washington. Mr. Speaker, I ask for a vote. I do not think the amendment ought to be adopted.

The SPEAKER. The question is on the amendment to the amendment offered by the gentleman from Minnesota.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. LIND and Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 63, noes 35.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amendment.

The question was taken; and the amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was read the time.

Mr. DALZELL. Mr. Speaker, let us have a vote on the passage of the bill.

The SPEAKER. Without objection, the preamble will be amended as proposed. [After a pause.] The Chair hears no objection.

The question was taken on the passage of the bill; and the Speaker announced that the yeas seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 51, noes 32.

So the bill was passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

M. L. SKIDMORE.

The next business on the Private Calendar was the bill (S. 6733) for the relief of M. L. Skidmore.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$104.94 be refunded to M. L. Skidmore, of Gaston County, N. C., by the United States Treasury, the same being for internal-revenue stamps purchased by him from the United States Government to cover taxes on two several packages of spirits, Nos. 138 and 139, produced in the month of May, 1896, by the said Skidmore, which stamps were lost in the mail and never received by him.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

WILLIAM H. BEALL.

The next business on the Private Calendar under the order was the bill (H. R. 13944) for the relief of William H. Beall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place on the records as having been honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and issue to him a discharge to bear date of August 15, 1863.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

JAMES MITCHELL.

The next business on the Private Calendar under the order was the bill (H. R. 18816) for the relief of the estate of James Mitchell, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue registered bonds of the 3 per cent loan of 1908 to 1918 in favor of the estate of James Mitchell, with interest from February 1, 1901, in lieu of United States 3 per cent coupon bonds of said loan, for \$100 each, numbered 46375, 46376, 46377, 46378, and 46379: *Provided,* That the administrator of said estate shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bonds, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify the United States against loss on account of said original coupon bonds.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

MARION WESCOTT, F. F. GREEN, AND J. A. LEIGE.

The next business on the Private Calendar under the order was the bill (H. R. 14327) for the relief of Indian Traders Marion Wescott, F. F. Green, and J. A. Leige.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to have an explanation of that bill. What committee reported it?

The SPEAKER. The Committee on Indian Affairs.

Mr. STEPHENS of Texas. I do not remember the bill. I would like to have some explanation of it. I ask that it be laid aside at present without prejudice.

The SPEAKER. Without objection, the bill will be passed for the present without prejudice. The Clerk will report the next bill.

NELSON S. BOWDISH.

The next business on the Private Calendar under the order was the bill for the relief of Nelson S. Bowdish.

The Clerk read as follows:

Be it enacted, etc., That Nelson S. Bowdish shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Forty-third New York Infantry Volunteers on the 5th day of September, 1861, and that the charge of "absent without leave" standing against him upon the records of said regiment shall hereafter be held and considered to be erroneous and without effect: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. FINLEY. Mr. Speaker, I would like to have an explanation of this bill.

Mr. BRADLEY. Mr. Speaker, may I briefly explain to the gentleman?

The SPEAKER. The gentleman from New York [Mr. BRADLEY] is recognized.

Mr. BRADLEY. This is a peculiar and yet simple case, growing out of ignorance on the part of Nelson S. Bowdish of military regulations, an ignorance that generally prevailed during the summer of 1861. Nelson S. Bowdish recruited a company, or nearly a full complement of a company, and at his own expense reported with them to the adjutant-general at Albany, N. Y. This man, with his partial company, was mustered into the Forty-third New York Volunteers as a second lieutenant, and on leave of absence was sent into a northern county of the State for the purpose of recruiting more men. While engaged in this work an order was sent to him to report to his regiment, that would leave for the front on a certain day. He received the order after the regiment had left. In his ignorance he went forward recruiting until he had nearly another company. He took this almost completed company to Albany and was mustered in as a first lieutenant, with his men, in the Third New York Light Battery. He was not aware that on December 28, 1861, by special order he was dropped from the rolls of the Forty-third New York Volunteers for absence without leave. He had then been in the service, commissioned as a first lieutenant, and with his regiment had been at the seat of war since November 12, seven weeks prior to his being dropped from the rolls.

Mr. FINLEY. What amount of service did he perform after that time?

Mr. BRADLEY. Two and one-half years of service after that time; and he was honorably discharged while adjutant of his regiment on a surgeon's certificate for disability.

Mr. FINLEY. Was he mustered into the Forty-third New York regularly?

Mr. BRADLEY. Yes.

Mr. FINLEY. Then he was regularly mustered in twice?

Mr. BRADLEY. He was mustered in twice. It was in the year 1861, when a great ignorance seemed to prevail of military regulations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

JAMES WAHKIACUS.

The next business on the Private Calendar under the order was the bill (H. R. 18492) to authorize the Secretary of the Interior to cancel the trust patent issued to James Wahkiacus.

The Clerk read the bill, as follows:

Whereas a trust patent was erroneously issued to James Wahkiacus August 7, 1893, on his allotment application No. 5, Vancouver, Wash., series, for the southeast quarter of section 22, township 4 north, range 13 east, Willamette meridian, which land was then and is now included in the preemption cash entry of Lewis C. Wright, who now occupies the land and who had placed valuable improvements thereon before the filing of the application of James Wahkiacus; and Whereas the Secretary of the Interior is not authorized by the act of April 23, 1904, to cancel the said trust patent for the above-stated cause: Therefore,

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cancel said trust patent issued to James Wahkiacus for the land above described, and such cancellation shall be effective when made on the records of the General Land Office.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

CENTRAL RAILROAD COMPANY OF NEW JERSEY.

The next business on the Private Calendar was the bill (S. 5902) for the relief of the Central Railroad of New Jersey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Central Railroad Company of New Jersey the sum of \$709, out of any money in the Treasury not otherwise appropriated, the same being the amount collected by mistake from the said Central Railroad Company of New Jersey by the deputy collector of the United States customs for the port of New York on March 23, 1904, on account of an alleged violation of said railroad's obligation as a carrier of unappraised merchandise under bond.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALEXANDER G. PENDLETON, JR.

The next business on the Private Calendar was the bill (H. R. 17983) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to reinstate former cadet Alexander G. Pendleton, jr., to the United States Military Academy at West Point on or at any day after the 11th day of June, 1905.

Mr. FITZGERALD. Mr. Speaker, I would like to have an explanation of this bill.

Mr. HULL. Mr. Speaker, this young gentleman some three years ago or more happened to have been found guilty of technical hazing.

Mr. FITZGERALD. What is "technical hazing?"

Mr. HULL. It was only a technical indiscretion under the law. Only recently, the gentleman will remember, three cadets of the Naval Academy were commissioned in the Navy with their own class. This does not do that. This lets him finish his course at West Point and stand with the class that he graduates in. He has lost all these files. He has been punished exceedingly severely for all that was proved against him, and it is only just that he be allowed to complete his course, especially in view of the action of the House on a former occasion.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

B. JACKMAN.

The next business on the Private Calendar was the bill (S. 3790) for the relief of B. Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., the sum of \$1,678.88 for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United States to Dawson, Yukon Territory.

Sec. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$1,678.88 for the purposes specified in this act.

Mr. DALZELL. That bill, Mr. Speaker, I think certainly does not come within the rule. It comes from the Committee on Claims.

Mr. GRAFF. I desire to call the attention of the gentleman from Pennsylvania to the fact that the resolution under which we are acting permits the consideration of bills from the Com-

mittee on Claims which have to do with lost checks, bonds, and stamps—

Mr. DALZELL. This does not have to do with that.

Mr. GRAFF. If it comes from our committee.

The SPEAKER pro tempore (Mr. MANN). This is a refunding of duties. The Chair is of the opinion that it does not come within the rule; and the point of order raised by the gentleman from Pennsylvania is sustained.

FRANCIS S. NASH.

The next business was the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Francis S. Nash a surgeon in the Navy, to take rank next after Surg. Henry B. Pitts, said Nash having resigned from the Medical Corps of the Navy after fourteen years' service.

SEC. 2. That said Nash shall receive no pay or emoluments except from the date of his appointment, and that he shall be additional to the number of officers prescribed by law for the grade of surgeon in the Navy and to any grade to which he may hereafter be advanced: *Provided*, That he pass successfully the physical examination required for entrance into the service and the professional examinations he would have had to pass had he remained on the active list of the Navy.

Mr. FITZGERALD. I ask that this bill be explained. It is adding an additional man to the list.

Mr. BRANDEGEE. I ask for the reading of the report.

Mr. BENTON. I understand the gentleman from New York wants an explanation of the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. BRANDEGEE. I call for the reading of the report.

Mr. DALZELL. Does not that bill fall within the excepted class?

Mr. FITZGERALD. Under the ruling made last week this would entitle him to a promotion.

Mr. DALZELL. He has no grade now, and this proposes to give him a grade.

Mr. BRANDEGEE. I am not familiar with the language of the bill. If it does not come within the rule I do not ask for its consideration.

The SPEAKER pro tempore. The Clerk will read the report.

The report (by Mr. MEYER of Louisiana) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy, having considered the same, report thereon with a recommendation that it pass, and adopt as part of their report the Senate report on said bill, as follows:

[Senate Report No. 3786, Fifty-eighth Congress, third session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Surgeon-General of the Navy, as will appear by the following letter:

NAVY DEPARTMENT,
Washington, January 19, 1905.

SIR: Referring to Senate bill No. 5771, which was sent to the Department on December 12, 1904, for a report, and which provides for the reinstatement of Francis S. Nash as a surgeon in the Navy, I have the honor to state that the Department, under date of February 3, 1904, addressed to your committee a letter concerning a joint resolution (S. R. 33) authorizing the President to appoint Doctor Nash as a surgeon in the Navy, wherein, for the reasons stated, it recommended against the proposed legislation.

The Bureau of Navigation is opposed to the bill for the reasons given in a communication under date of January 28, 1904, as follows:

"The records of the Bureau show that he (Doctor Nash) resigned for purely personal reasons. The Bureau considers that it would establish a bad precedent to return Doctor Nash to the naval service in accordance with the provisions of this bill. Doctor Nash has been out of the naval service for more than twelve years, during which time his contemporaries have been doing active duty in the Navy, including their share of sea duty. Putting Doctor Nash on the Navy list as additional number would not interfere with the promotion of officers, but it would interfere with their precedence, which is of value. While the Navy may be in need of surgeons, the resulting good of adding one surgeon to the list would not warrant the injury done by establishing the precedent of placing anyone on the Navy list with high rank after having resigned for personal reasons and remained out of the service for a long period of time."

Attention is, however, invited to the report quoted below, which was made under date of January 23, 1904, by the Surgeon-General of the Navy with reference to the above-mentioned resolution, viz:

"Dr. Francis S. Nash has a creditable record in the service of the Navy of thirteen and eleven-twelfths years, resigning for personal reasons November 28, 1891. Since then he has been actively engaged in the practice of his profession, having been an army contract surgeon since the early part of the Spanish-American war. At the beginning of this war he volunteered to take his old position in the Navy. This Bureau is in need of additional officers and will be until those allowed by the last Congress shall have been commissioned, and the total number will not be commissioned until 1908.

"As it is believed that this bill would not injure the standing of any medical officer in the Navy, and as Doctor Nash has nearly thirteen years to serve on the active list, the Bureau recommends that he be given a commission as an additional number as recommended in this bill, with the proviso that he pass successfully the physical examination required for entrance to the service and the professional examinations he would have had to pass had he remained on the active list of the Navy."

The Bureau of Medicine and Surgery, in an indorsement dated December 15, 1904, invites the attention of the Department to its indorsement of January 23, quoted above, and, for the reasons expressed in that indorsement, approves Senate bill 5771.

Very respectfully,

PAUL MORTON,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. BRANDEGEE. That comes clearly within the rule.

Mr. DALZELL. I believe it does.

Mr. BRANDEGEE. It does not involve a person in the Army or Navy under the language of the bill.

Mr. BENTON. What is the question the gentleman raises?

Mr. GROSVENOR. There is no question raised now.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES HOUSELMAN.

The next business on the Private Calendar was the bill (H. R. 815) to correct the military record of James Houseelman.

The bill was read, as follows:

Be it enacted, etc., That all orders dismissing James Houseelman, second lieutenant Company H, Sixty-sixth Regiment Illinois Volunteer Infantry, from the service of the United States be, and the same are hereby, set aside, and that the Secretary of War be, and hereby is, authorized and directed to issue to him an honorable discharge as of December 7, 1862.

Mr. GROSVENOR. Mr. Speaker, I would like to know what the meaning of that digging up of ancient action on the part of the War Department is based upon, at least.

Mr. PRINCE. Mr. Speaker, in answer to the inquiry of the gentleman from Ohio I would state this: James Houseelman was directed, under orders of his captain, to go with two comrades in search of a comrade that was out of his mind, by the name of Beatty. While in search of this unfortunate crazy man he met a company of foragers, I believe, of the same brigade. He asked these foragers if they had seen this crazy man. They reported they had not. At that time there rode up Generals Logan, McPherson, and Grant. This occurred about the 6th or 7th of December, 1862, near Oxford, Miss.

The general ordered them all under arrest. They were sent to the guardhouse, and the next morning or the morning thereafter this officer was dismissed, without a trial of any kind. He sought to make explanation, but they would not listen to the explanation at that time. It was in the early days of the war, when the officers in charge had issued strict orders against foraging and against stragglers. The evidence discloses the fact that he was in the line of his duty, seeking to restore to the ranks or to the camp this unfortunate crazy man, and that he took no part whatever in the foraging. Men who were taking part in the foraging state that they did steal some turkeys; that this man had nothing whatever to do with the taking of the turkeys, was in no sense connected with them, but was arrested and dismissed for being in the line of his duty, seeking to find and take back to camp an unfortunate crazy man.

Immediately after this order was issued dismissing him, his captain prepared a paper, had it signed by a number of the officers, and started to the tent of General Grant to make explanations. They were then preparing to move toward Vicksburg, and were unable to get the ear of the General at that time. This man dropped out of the service, and that was the end of the case.

We thought under the circumstances, these officers testifying by affidavit that this man was in the line of his duty, that he was a good officer, that he had committed no offense, that he was summarily dismissed without an opportunity to explain what he had done, he ought now to be given an honorable discharge. Those are the facts, as nearly as I can give them to the gentleman from Ohio.

Mr. GROSVENOR. Is this the first time an effort has been made to change that order of the War Department?

Mr. PRINCE. No; I think the first efforts were made in 1887, when affidavits were made.

Mr. GROSVENOR. While some of these people were alive?

Mr. PRINCE. The captain, the lieutenant, and his comrades have stated these facts, and they are a part of the record that is before the gentleman in the report.

Mr. GROSVENOR. Can the gentleman state now that an earlier effort was made to get this matter set right?

Mr. PRINCE. I think not, prior to 1887.

Mr. GROSVENOR. After everybody connected with the issuance of the order was dead.

Mr. PRINCE. The officer who made the order testifies, and his affidavit is there. The adjutant who carried the order under the direction of the captain testifies that he gave the order, and

there is no question in the world about the order being given. There is no question about his being in search of a crazy man. The crazy man is still alive, insane, and was insane at the time that this man was detailed to look for him.

Mr. GROSVENOR. Mr. Speaker, it is a very thankless job to object to the passage of bills of this character, but this bill does not stand upon a better foundation of fact than probably a thousand others would if they had been fortunate enough to obtain a report from the Committee on Military Affairs.

Mr. WARNER. Will the gentleman allow me to say a word?

Mr. PRINCE. If the gentleman from Ohio has finished what he wishes to say, I will yield to my colleague.

Mr. WARNER. I wish to make a statement to the gentleman from Ohio before he goes any further. I want to say that I was down in that part of the country at that time and know something of the circumstances.

That was in December, 1862. This Houselman was a green country boy, who volunteered in May or June, 1862, and by the partiality of his comrades was elected a lieutenant. He knew a little of military law as he did of Sanskrit. General Grant, at that time, as the gentleman will remember, was trying to force his way down through Mississippi to keep the Confederates away from General Sherman, who was ordered to attack Chickasaw Bayou on the 1st day of January, 1863. Van Dorn came around to the rear of Grant at Holly Springs, captured his depot of supplies, burned the railroad bridges, destroyed his line of communications, and General Grant was forced to retreat on Memphis and go down to Vicksburg that way. He had issued at that time a stringent order against foraging. He had troubles of his own. This man Houselman, according to the undisputed testimony (and there can be no question of its correctness, because it is in the shape of affidavits of his captain and the adjutant of the regiment who issued the order), was out hunting for an insane member of his company. He came onto these foragers, who, fortunately or unfortunately, had some chickens and turkeys in their possession. He asked them if they had seen anything of the crazy man, and just then General Grant rode up. He saw them violating red-handed his order. He was angry. He ordered the whole crowd under arrest and into Oxford, Miss., and the next morning he issued a special order dismissing Houselman, who was a commissioned officer, from the service.

The Army was then in an uproar or a turmoil of retreat. There was no time for a court-martial or for negotiation or diplomacy, and from that time until after the fall of Vicksburg General Grant had all he could attend to. Houselman, ignorant, a young country lad, dismissed from the service, got back home. He did not know of any means of getting redress. He knew he had been improperly dismissed, and now all of these officers who had anything to do with the order, except Grant, Logan, and McPherson, come in and make affidavit as to the truth of these statements. Here is one affidavit from the adjutant of the regiment who issued the order under the direction of the colonel. He says:

STATE OF ILLINOIS, Coles County, ss:

On the 21st day of July, A. D. 1891, personally appeared before me, clerk of the circuit court in and for the county and State aforesaid, Charles S. Chambers, whom I certify to be respectable and entitled to credit, who being by me first duly sworn according to law, says that he is the identical Charles S. Chambers who was adjutant of the Sixty-third Regiment Illinois Volunteer Infantry in the war of 1861-1865, and he further states that while the regiment (the Sixty-third Regiment Illinois Volunteer Infantry) were encamped at Oxford, Miss., in the month of December, 1862, he as adjutant of said regiment received an order from Joseph B. McCowan, lieutenant-colonel commanding the regiment, to detail one commissioned officer, one noncommissioned officer, and three privates to go out in the country and hunt up a private, the name of Samuel Beatty, of Company H, said regiment, who had become insane while the said regiment were stationed at Jackson, Tenn. I obeyed the order, and detailed Second Lieut. James Houselman, of Company H, said regiment, to take charge of said detail. Said Beatty belonged to Houselman's company, and I made the detail from Beatty's own company for the reason that I knew he knew him (Beatty) better than any other commissioned officer I could detail out of the regiment.

They proceeded to carry out the order, and while said Lieutenant Houselman and his detail were in the discharge of said order and their duty they accidentally ran across some other soldiers who it was supposed belonged to other regiments and who were out of camp foraging; or in other words they were appropriating all the chickens and turkeys, etc., belonging to the citizens that they could find, and while thus engaged said Lieutenant Houselman and his detail came upon them. They had been very successful in their foraging, it seems, for they were pretty well loaded with chickens, turkeys, etc., and were, it seems, just in the act of returning to camp when the two different parties met. Just about the same time a third party put in an appearance in the persons of Generals Grant, Logan, and McPherson, and seeing the soldiers all together they naturally supposed they were all on the same business. Lieutenant Houselman and his party, with the balance, were placed under arrest and sent back to camp. I think they were all placed in the guardhouse for a few days; at any rate it was not long when Houselman was dishonorably dismissed from the service without pay or emolument.

He was never allowed to make an explanation or utter one word in his defense, when he could, if he had been allowed to have done so, explained and proven the whole case satisfactory to any general commanding an army or any court-martial his entire innocence of all intention to commit any wrong in the premises. I knew Lieutenant Houselman well and I know him to have been a good and efficient officer and soldier. He obeyed orders strictly and was always ready for any duty he was called on to do; no matter what that duty was, he was always ready. He was universally kind and obliging, both to officers and privates, and was well liked by all the regiment who knew him.

And he further states that he has no interest in the prosecution of this claim, and his post-office address is Charleston, Coles County, Ill.

CHARLES S. CHAMBERS,

Late Adjutant Sixty-third Regiment Illinois Volunteer Infantry.

The circumstances are peculiar. I am confident that if this young man had had the experience that gentlemen on this floor have, when General Grant was President of the United States here in Washington, he would have made application and would have been reinstated if it had been in the power of General Grant to reinstate him. There were hundreds of such orders issued on the spur of the moment, and hundreds revoked by General Grant himself during that memorable campaign down through Mississippi, which was somewhat disastrous to General Grant.

In that connection I will tell of an army incident of that time. We had a surgeon in our regiment, Christopher Goodbrake. The orders were strict against foraging. We were ordered to protect the rights of the people of the South, trying to win them by fair treatment. General Grant rode up on a couple of soldiers of my regiment, the Twentieth Illinois, who were skinning a hog. He ordered them tied up by the thumbs. They were new to that sort of treatment, and they began to talk back to him. They said it was all right for a poor private soldier, if he killed a hog, to be tied up by the thumbs, but the officers could shoot all the hogs they wished to. General Grant asked them what officer they had seen shooting a hog, and they said they had seen Surgeon Goodbrake shoot a hog. General Grant sent back an order putting Goodbrake under arrest.

We were nervous and somewhat frightened, as we were expecting to go into action at any time and we wanted our surgeon with us. We sent a request to General Grant asking permission for Goodbrake to remain with the regiment, and he gave that permission, and that was the last we heard of it for about a year.

General Webster, of Grant's staff, was taken sick, and Grant, having learned of Goodbrake's skill and ability as a surgeon and physician, especially detailed him to attend General Webster. Webster became convalescent. One night down in Tennessee, by the camp fire, Goodbrake was walking back and forward. Grant was sitting on his camp stool, and finally Goodbrake turned to him and said: "General, why did you place me under arrest that time? Was it because I missed that infernal pig?" [Laughter.] That was the end of that arrest and that order.

Mr. GROSVENOR. Mr. Speaker, I want to be heard, but the gentleman from Illinois took me off the floor and yielded all the time to somebody else.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. GROSVENOR. This soldier appears in one breath to be an inexperienced young boy and in another a long-experienced, valuable soldier, who was always ready for service and who performed some mighty feats between July and December, which was the period of his service in the Army. Three great officers of the Army perpetrated this outrage. One was General Grant, the other was General McPherson, and the other was Gen. John A. Logan. After the war was over, presumably this knowledge in the possession of every one of these men, Grant was elected President, Logan was a Senator from Illinois during all the period of his life after the war. McPherson had been killed. They waited until the last man was dead before they attempted to get this relief. Here was a line of soldiery and officers, men with standing enough to get all these certificates—Grant, President; Logan, a great man—a word from whom, a mere hint from whom, would have been sufficient to relieve this man from the result of this court-martial.

Mr. WARNER. There was no court-martial.

Mr. GROSVENOR. Well, it amounts to the same thing; it was all the easier then because it could have been reversed by a mere suggestion. Now they come and impute all this wickedness to General Grant and General Logan.

Mr. WARNER. There is nothing of that kind attributed to either one of them. I desire to call attention to the fact that this bill has been before this Congress for ten years, ever since I came here, and we have been trying to get a hearing on it.

Mr. GROSVENOR. That is the very first question I asked.

Mr. PRINCE. The gentleman asked, if I recall it, when he first made application, and I said in 1887.

Mr. GROSVENOR. For the purpose of my argument, that is sufficient. Let us see what they say:

Gen. J. A. Logan, away from his command, and in a very impertinent way, demanded why he, said Houselman, was not with his company, and ordered him back to his company, which was but a short distance away. He said Logan was not willing to hear any explanation from said Houselman or the comrades with him, and in a few days, as he was informed at the time, had General Grant make an order dismissing said Houselman from the service with all pay and allowances.

I call the attention of the gentleman from Illinois [Mr. WARNER] to the fact that he was not deprived, and could not be deprived, of his pay and allowances by that order dismissing him, and yet the complaint was made that he was deprived of his pay and allowances.

Mr. WARNER. Let me say that he could be, because he was. He was something like that officer who was put in the guardhouse and who went to the general. The general said he could not be put in the guardhouse for that, but the man replied that he was already there.

Mr. GROSVENOR. The gentleman knows that over and over again where these dismissals took place the pay and allowances were recovered afterwards.

Mr. WARNER. Where proper steps were taken.

Mr. GROSVENOR. The simple step was to make the claim to the paymaster.

Mr. WARNER. It took some action on the part of the person who had been deprived of his pay.

Mr. GROSVENOR. Let us see what he says further about Logan. Logan now was the man, and Logan was the Illinois officer, and Logan was the Senator from Illinois, the gentleman with all power. Yet it does not appear that Logan was ever approached on this subject. Let us see what motive he attributes to John A. Logan:

He further states he believes Gen. John A. Logan, with all his greatness, acted through prejudice and spite against said regiment, and with mature deliberation would have refrained from such a harsh order.

Mr. WARNER. Does the gentleman say that Houselman says that?

Mr. GROSVENOR. No; but it is said in his behalf. It is an affidavit made by an officer of his regiment. Well, Mr. Speaker, if such is to be the case, if we are to go back—

Mr. LACEY. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Iowa?

Mr. GROSVENOR. Yes.

Mr. LACEY. Mr. Speaker, how many of Grant's soldiers does the gentleman think would have gone clear through to the end of the war if everybody who took a chicken or a turkey had been dismissed?

Mr. GROSVENOR. I never served in Grant's army, but that would have been a mighty hard thing in the army I did serve in. Mr. Speaker, I have done my duty. I have called up the fact that there are probably 2,500 cases quite as strong as this, and if we are going into it, I think we had better have another general amnesty to all men who disgraced the service during the war.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

G. G. MARTIN.

The next business on the Private Calendar, under the order, was the bill (S. 2560) for the relief of G. G. Martin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to G. G. Martin, late lieutenant-colonel First United States Colored Troops, an honorable discharge as of date December 31, 1863.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. GROSVENOR. Mr. Speaker, I would like to know what this is about?

Mr. PRINCE. Mr. Speaker, in the case of Mr. Martin, he was the colonel of a colored regiment stationed, I think, near Norfolk or Portsmouth—I have not the exact place before me. In 1863, on Christmas eve, he and some of his fellow-officers did a little celebrating and drank a little more liquor than perhaps they ought to have done. Near by the camp lived his wife in a little cottage, and this officer had the right to make her home their joint home while the troops were stationed at that point. That evening after they had been drinking a little they went to a fair which was held either in Portsmouth or Norfolk. Present at that fair was Gen. Benjamin F. Butler, the officer in command. This officer walked up to Butler, and he smelled his breath—

Mr. CAPRON. Whose—Butler's? [Laughter.]

Mr. PRINCE. No; Butler smelled the officer's breath, and dismissed him from the service.

Within a day or two after he ordered him dismissed, without a trial—this officer who, under the evidence, had never drank anything before, and under the evidence before the committee never drank anything since, who was at that time a member of Plymouth Church, and his pastor was Henry Ward Beecher, and there is on file as part of the papers an autograph letter from Mr. Beecher asking action on the part of President Lincoln favorable to this man. President Lincoln ordered that the man be returned to his regiment and put in command. General Butler hearing of this order, telegraphed to the President that he was a drunken man and ought not to be restored to his command, and asked to have the order suspended, or insisted upon his order. President Lincoln approved of his first order to the extent of suspending the first order without the knowledge, so far as the papers show and any evidence that we can find.

General Butler insisted upon the man being separated from the service, and he was separated from the service by order of the Adjutant-General, but the facts were not called to the attention of President Lincoln. His order suspending the action of the commanding general, General Butler, still seemed to be in force and effect so far as the knowledge of the President was concerned, and the subsequent order of the Adjutant-General did remove the man from the service, approving the act of General Butler. Mr. Lincoln passed away. The matter was brought up again to President Johnson. He approved of the doing of what President Lincoln sought to do. No action has been taken looking to restoring the man. He made application at once within three or four days for removal of the charges against him. The proof is that the man was not a drinking man, and if the drinking and getting drunk on one occasion would warrant dismissal from the service without a trial, without an explanation, I am frank to say that a great many splendid men on both sides of that great contest would have been summarily dismissed from the service, and perhaps some of them on each side of that great contest later on might not have received the great credit that they have from the people of this country. Those are the facts as near as I can give them to the gentleman.

Mr. GROSVENOR. Mr. Speaker, it shows we are in the business of resurrection. Now, here is a man with presumably intelligence enough to be a colonel of a regiment. There has been no report received. The House is driven to this legislation, and while other Members of the House may perhaps have hundreds of these bills pending here is one that comes in here, it is said on yesterday, a Senate bill without any report, and it is to be put through. It is presumable that this man had intelligence enough to know something about what he had a right to do. He had a right to demand an investigation and a court of inquiry could not have been refused him, yet he has stood by for forty years and upwards and now comes when Butler is dead and Lincoln is dead and everybody else is dead and asks the Congress of the United States to take his unsupported testimony of a set of facts which go to show that all that was ever said of Butler was not half enough, and that Lincoln was a weak, cowardly man who would make an order and then stand by and know it was disobeyed absolutely, and a colonel of a regiment, who could have written a letter to Mr. Lincoln at any time on any day of the week, and who wrote him at no time, is now here forty years afterwards asking to be taken upon his own naked unsupported statement of the facts. If that is to be the case all I have got to say is I am just simply registering this particular protest applicable to all the cases of resurrection that are to come. The Committee on Military Affairs has given out word here that none of us could have any bills reported, and nobody has had any bills reported. Now, for some reason or other there are two or three of these favored bills coming in here and are to be put through on this occasion. I protest against it; it is utterly unfair, and in my judgment well calculate to demoralize the administration of military justice in this country if this sort of a thing can be done.

Mr. ROBINSON of Indiana. And I might suggest to my friend from Ohio we have one safeguard even if we should make a mistake in favor of some soldier who has gone forward in defense of his country and served his time, and that is in the Presidential veto of measures like this when a not meritorious one is sent to the House.

Mr. GROSVENOR. I think the House of Representatives ought not to shift its responsibility onto the Executive.

Mr. ROBINSON of Indiana. The gentleman does not understand me. I do not say that there should be any shifting of responsibility. I think the most liberal rule ought to obtain here in reference to soldiers who have gone forward, even after this lapse of years.

Mr. GROSVENOR. Does the gentleman think it would apply to a man who was tried or dismissed from the service by the

President of the United States, because my friend from Illinois has fallen into the blunder of believing that a major-general in command of a department could dismiss an officer from the service? That was impossible. It had to be done by order of the President through the Adjutant-General's Department here. Now, does the gentleman think that forty years afterwards we ought to go to work and undo all the matters of discipline that were done in those days?

Mr. ROBINSON of Indiana. I might suggest to the gentleman from Ohio [Mr. GROSVENOR] that I know of the necessity for discipline in the Army as well as in the House of Representatives, but I do not agree with the gentleman's strict discipline either in the Army or in the House of Representatives. But I think, after forty years, if a soldier has served meritoriously, it would require to be a pretty clear case before I would vote against granting relief even after that lapse of time.

Mr. GROSVENOR. The gentleman thinks that the longer he gets away from the facts of a case the stronger the case will grow?

Mr. ROBINSON of Indiana. I understand that the complaint of the gentleman here is not because these few bills are presented, but that Members can not get larger consideration of their own bills. I am in that category. I would like to have my bills considered, too.

Mr. PRINCE rose.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. GROSVENOR. Certainly.

Mr. PRINCE. Mr. Speaker, I want to state this in fairness to the committee and the House, that this is a Senate bill, No. 2560; that it was reported to this House, and the number of the report is 4629. It was reported yesterday, and the bill that was reached just before this one was reported yesterday, and the report made. I am informed that the report has not yet come from the Printer. That is no fault of mine, nor is it the fault of the Committee on Military Affairs. We have presented the report, the Senate has made a full report, and the Military Secretary has rendered a report on it, and what I have said about President Lincoln changing and setting aside the order dismissing him from the service is a part of the military record of this man. It is not gotten up for the occasion. It is a part of the military record as detailed by the Military Secretary, coming from the record. Now, let me state it again, so that there will be no misunderstanding.

Mr. PADGETT. Will the gentleman from Illinois [Mr. PRINCE] yield for a question?

Mr. PRINCE. I will.

Mr. PADGETT. Why is it that the Committee on Military Affairs have adopted a uniform policy of refusing to report measures of this kind for Members of the House, and just at this time report these measures?

Mr. PRINCE. Why, I do not know that we have refused to pass upon bills for Members. I know that I have been in the committee room, and I have been visited by Members when I have been looking over their cases, and when quite frequently it appears there should be an adverse report Members say: "Please do not make an adverse report upon it." I presume I have looked over personally during this session seventy-five cases asking for the removal of the charge of desertion. There has been a meeting every week of one of the subcommittees on Saturday for the last three or four weeks, and I might say months. That committee has been ready and willing at all times to hear Members concerning these bills, and if they will come before that committee and present a certain bill and they will pick out the most meritorious bill we will pass upon that bill. But when we do look it through we will make an adverse report if an adverse report should be made. I have held myself open and ready and willing at all times to hear these cases, and I have tried to do so.

Mr. PADGETT. I will say to the gentleman from Illinois [Mr. PRINCE] that I have tried several times to get reports from the committee and have not been able to do so.

Mr. PRINCE. Has the gentleman from Tennessee [Mr. PADGETT] asked me for one?

Mr. PADGETT. Yes; incidentally.

Mr. PRINCE. Was that bill before my subcommittee?

Mr. PADGETT. I met the gentleman from Illinois [Mr. PRINCE] in the hall and asked him if we could get reports from the committee.

Mr. PRINCE. Did the gentleman ascertain whether it was before my subcommittee or not?

Mr. PADGETT. No; I did not find out.

Mr. PRINCE. There is more than one subcommittee on desertions.

Mr. PADGETT. The general understanding has been that the committee would not report bills to remove the charge of desertion, and things of that kind.

Mr. PRINCE. No; we have not taken that position. We have taken this position, that it would not be well to report a number of these cases because of a few that were reported at the last session, a great majority of which were vetoed by the President.

Mr. PADGETT. After those vetoes, has not the committee refused to report others?

Mr. PRINCE. I could not answer that the committee has refused to report any bill.

Mr. ROBINSON of Arkansas rose.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. PRINCE] yield to the gentleman from Arkansas [Mr. ROBINSON]?

Mr. GROSVENOR. I had yielded to the gentleman from Illinois myself to make a statement. I do not know where I am now.

Mr. PRINCE. This is a report made "by the gentleman from Illinois." I will take "his" time back and speak in my own time. I surely have some time of my own as the person who made the report.

The SPEAKER pro tempore. The gentleman from Ohio, the Chair will state, is entitled to the floor at this time if he desires it.

Mr. ROBINSON of Arkansas. I merely wanted to ask the gentleman from Illinois a question relating to the facts in this particular case. Will the gentleman from Ohio yield for me to ask that question?

Mr. GROSVENOR. Certainly.

Mr. ROBINSON of Arkansas. If I understood the gentleman correctly, he said that this order was originally made by General Butler because this officer had bad breath.

Mr. PRINCE. Yes.

Mr. ROBINSON of Arkansas. Have you personally investigated the evidence and found that to be the case?

Mr. PRINCE. I have no doubt that the man was under the influence of liquor when General Butler made that order.

Mr. ROBINSON of Arkansas. Was he drunk?

Mr. PRINCE. Some person would be quite drunk and insist that he was not. He was under the influence of liquor very evidently.

Mr. ROBINSON of Arkansas. I understand that General Butler discovered his bad breath and summarily dismissed him from the service.

Mr. PRINCE. Yes, sir. He approached General Butler, and he discovered he was under the influence of liquor.

Mr. ROBINSON of Arkansas. Is that all the evidence disclosed as to the condition of the officer?

Mr. PRINCE. He was not on duty at the time.

Mr. ROBINSON of Arkansas. That is all I desire to know.

Mr. GROSVENOR. Now, where is the evidence, and in what form does it come, that it was because of that man's breath that he was dismissed from the service? Now, may it not have been, and can the gentleman say that there were no other military reasons for this unfortunate selection of the person to act? Can the gentleman state now, at the end of forty years after its occurrence, that there was no ground except that which he has stated; and if he knows where it comes from, can he tell us where he gets his information?

Mr. PRINCE. The only answer I can make to that is that he was dismissed on the charge of drunkenness. If there were other charges they were not specified at the time when General Butler dismissed him.

Mr. GROSVENOR. Now, does the gentleman from Illinois believe that if that officer had been a valuable officer, a worthy officer, he could not easily have rectified that mistake right at the time or very shortly afterwards? What was there to have prevented him from making an appeal to the great, liberal, generous-minded Abraham Lincoln?

Mr. PRINCE. He did make an appeal to the great, splendid Lincoln, and Lincoln set aside this order of General Butler dismissing him from the service.

Mr. GROSVENOR. Where is the evidence of that?

Mr. PRINCE. This evidence is disclosed in the report and is a part of the military records of the country. The War Department record shows that Mr. Lincoln put his own name "A. Lincoln" to it.

Mr. GROSVENOR. And then upon a showing by General Butler or somebody else they refused to carry the order into effect.

Mr. PRINCE. Immediately after the order restoring him to command General Butler telegraphed Lincoln not to do so, because he was a drunken officer.

Mr. GROSVENOR. And that put an end to the action of Mr. Lincoln.

Mr. PRINCE. Mr. Lincoln then suspended the order restoring him to command.

Mr. GROSVENOR. And he died that way?

Mr. PRINCE. And he died that way. I have so said.

Mr. GROSVENOR. Is it not possible, I will ask the gentleman himself upon that information, that there might have been some other good reason why that man should be discharged, as was done in this case?

Mr. PRINCE. From what I have read of the evidence, I would say that that was the only offense that officer committed. If the general had the right to dismiss a man, off duty, for getting drunk, I will say, then, he was justified in doing so.

Mr. GROSVENOR. Now, who said he was off duty?

Mr. PRINCE. He was not in the line of duty. He was attending a fair away from his duty, and no part of it.

Mr. GROSVENOR. Now, does not the gentleman think that taking the statement of a living man, and giving full credit to it now, at this late period, you could upset every court-martial and every judgment the War Department made during the civil war?

Mr. PRINCE. No, I do not; for the reason that there were a great number of affidavits, all of which are fully set out in the report. Nothing has been concealed in the slightest degree. There are affidavits from men who served with him—from officers who knew him, from men who knew him in church life and in military life—that the man was not a drinking man. There was no evidence that he ever did drink before. There was no evidence that he had any liquor about his home or his tent. There is an utter absence of any evidence tending to show that the man ever used liquor except upon this one occasion.

Mr. GROSVENOR. Is there anybody living who knows anything about that fact?

Mr. PRINCE. There are affidavits from men who were living, and they are a part of the report.

Mr. GROSVENOR. Is it not this, that nobody testifies that he was drunk, and a great many men testify that so far as they knew he was not drunk? And can you not prove anything you please after this lapse of time by that method of proof?

Mr. PRINCE. Not by the class of evidence that was adduced in this case, the evidence of men who told about the time when these circumstances occurred.

Mr. GROSVENOR. I wish the gentleman had that report here. I should like to see it.

Mr. PRINCE. I wish it was. It is not my fault that it is not here. The report was sent to the Printing Office yesterday.

Mr. GROSVENOR. I think it is entirely premature to bring this bill in here this morning, the first day it appears on the Calendar, and then ask the House of Representatives to take the recollection of the member of the committee in the total absence of any documentary proof upon any one of these questions. I protest against the passage of this bill, and I think it ought not to pass.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. ROBINSON of Indiana. Mr. Speaker, not as bearing upon this bill, but upon the general subject of legislation here, I desire to make a suggestion. We have this committee coming in from time to time with favorable reports upon a certain class of cases for the relief of men like this. Why can not the committee, in its wisdom, draft a general law opening up to the Department a discretion in this class of cases, claimed by the committee to be meritorious, empowering the Department to grant this relief, so that the committee will be relieved from the charge of unjust discrimination against Members, and so that these meritorious cases may be acted upon without Congressional action?

This is not the first time I have presented this suggestion. The chairman of the Committee on Military Affairs has coincided in that view for several years, and it would spare the committee the charge of discrimination against Members and would give great relief if they would draft such a general bill. It would save the time of Congress, and would allow relief to these meritorious cases, even after this lapse of time. We had such a law, as the gentleman knows, for many years, but owing to the lapse of time, under the strict construction of the law by the Department, relief can not be given in these cases without special legislation. If these cases are meritorious, the time of Congress could be saved, the evidence could be presented to a bureau that would grant that relief in many cases, and the committee would be relieved of a perplexing problem.

Mr. CAPRON. Will the gentleman yield?

Mr. PRINCE. Yes. I will first answer by saying that that is very nice in theory, but it is a very difficult problem to prepare a bill which would meet all of the occasions that arise in

this class of cases. The gentleman from Ohio [Mr. GROSVENOR] stated very properly a week ago to-day that he was a member of this House in 1889, when a general bill was presented which had for its purpose the removal of charges of desertion. He said at that time he thought he had made all the suggestions in the nature of amendments (and others had done likewise) that would cover the various classes of cases that ought to be covered.

Now, this is a case of an officer. There is no law covering the case of an officer. There is no law covering the case of a man who enlisted in the Regular Army. The law that is in existence is for the benefit of the enlisted volunteer soldier. Because this is an officer whose case is not covered by the general law, this bill was introduced in the Senate and has been passed by that body.

Mr. ROBINSON of Indiana. I am not complaining about this bill.

Mr. PRINCE. We took this up with a view to disposing of legislation that had been passed by the coordinate branch of the Government, so that we might not be charged with failing to carry out legislation which had been carried through another branch of Congress.

Mr. ROBINSON of Indiana. I might suggest to the gentleman that it is a very singular confession of impotency for a committee having these various measures in charge to say that they could not frame a general law in terms that would clothe the Department with power to grant relief in these cases, when they come into the House of Representatives and themselves define the class of cases, although they may be various, in which this relief is asked of Congress.

Mr. GROSVENOR. In deference to the wishes of certain gentlemen sitting around me, I ask, Mr. Speaker, that the member of the committee in charge of this bill lay the bill aside without prejudice until this report can come in.

Mr. PRINCE. I have no objection to that. I do not want to press anything here.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the bill may be temporarily laid aside without prejudice. Is there objection?

There was no objection.

GILBERT SHAW.

The next business on the Private Calendar under the special order was the bill (H. R. 15021) for the relief of Gilbert Shaw.

The Clerk read the bill, as follows:

Be it enacted, etc., That Gilbert Shaw be, and he is hereby, authorized to select a tract of not more than 160 acres of the public lands of the United States subject to homestead entry, for which a patent shall issue forthwith, without any requirement as to occupancy or improvement, and without the payment of any fees or charges (homestead fees and charges having heretofore been paid by him), this grant being made by way of compensation on account of the loss of the quarter of section 31, in township 8 north, range 7 east, in Lancaster County, Nebr., in good faith taken, occupied, and improved by him, but found to be embraced within a railroad land grant previously made.

With the following committee amendment:

At the end of line 10 amend by adding "northwest."

Mr. PAYNE. Mr. Speaker, I would like to hear something about this bill.

Mr. LACEY. The gentleman from Missouri [Mr. DE ARMOND] introduced the bill and I think is able to explain it fully.

Mr. DE ARMOND. Mr. Speaker, this is a bill to permit a man who took a homestead which he lost by reason of the land upon which he homesteaded being embraced in a railroad grant, as was discovered some years after he had taken it and gone to considerable expense to complete the improvements upon it, to take another tract in lieu of that which he lost.

This man is an old soldier—has credit, of course, for the length of time he was in the Army, the time that he lived upon this land; and the necessary time, after counting that, to give him a homestead if he were to homestead now, would be comparatively small. In view of the fact that he lost this piece of land, taken at an early day, that he is now a comparatively old man, and the further fact that the best lands have been taken up, it was thought by the committee to be proper, and I think it is proper, to permit him to take a homestead of 160 acres of any of the lands of the United States subject to entry, and give him a patent to it without requiring him to live upon it, as in the case of an ordinary original homesteading.

That is all there is of the matter. I think there ought to be no objection to the bill. It is a very small matter to the public, and yet a considerable matter to the individual. I think he is entitled to what the bill gives him, and I hope there will be no opposition to passing the measure through the House and hastening it to the Senate in order that justice may be done to him at this late day, after the deprivation for many years of the

homestead which he took in good faith and lost without any fault of his.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. VAN VOORHIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17330) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GRAFF in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17330, the pension appropriation bill, and the Clerk will report the bill.

Mr. VAN VOORHIS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. VAN VOORHIS. Mr. Chairman, this bill carries an appropriation of \$138,250,000, being the full amount estimated by the Pension Bureau for all the items in the pension system. This is less by \$110,600 than the bill of last year. Aside from this change in the amount the bill follows the language of the current law word for word, so that the committee will understand the bill without taking time for further explanation. Unless there is some question to be asked, I will yield to my colleague on the committee, Mr. UNDERWOOD.

Mr. UNDERWOOD. Mr. Chairman, this bill carries \$138,250,000 for pensions. It is about the high-water mark on pension bills. It carries a little more money than any other general appropriation bill has ever carried heretofore. I have no opposition, nor do the minority members of the Pension Committee oppose paying the pensions that have been ascertained under law by the Pension Bureau or that have been passed by special bills here. But there is one clause in the bill that we do object to, and we have filed a minority report stating our objections. Most of the Members of the House recall that when the deficiency bill was before the House last spring we moved to strike out of that bill an appropriation of four and one-half million dollars to pay pensions created under order No. 78, which is an order made by the President of the United States directing the Commissioner of Pensions to put all soldiers who are honorably discharged from the Army or Navy on the pension rolls under the law of June 27, 1890.

Now, that law provides that the soldier or sailor who has received his honorable discharge and is suffering from a permanent disability not created by his own vicious habits may be put on the pension rolls. We then took the position, and take it now, that order No. 78 was in violation of the law passed by Congress, that the President has usurped, in making order No. 78, the powers of the legislative branch of the Government.

It is evident under the law that a man must be suffering from a permanent disability that prevents him from doing manual labor to obtain and receive a pension under the law of June 27, 1890, but under order No. 78, as made by the President of the United States, for a man to be placed on the pension rolls to-day under that act of Congress it is only necessary for him to prove that he was honorably discharged from the Army or the Navy and that he is 62 years of age. Now, it is clear and evident that there are men, soldiers of the Army and Navy, soldiers or sailors, who have been honorably discharged who can go on these pension rolls under that order who are not suffering from a permanent disability and are not prevented from manual labor, and, in fact, do not need a pension in any way in the world. Well, now, the answer that is made to that by the Commissioner in his report and those who argue the case is that, under the facts and the history of the applications under the law of 1890, a large percentage of these men who obtained pensions under that law are over 62 years of age, and that being the case, the order only complies with what is a physical fact; but I say that if there is one man above 62 years of age who is not suffering from a permanent disability not contracted by his own vicious habits, who is able to do manual labor, and this order of the President puts him on that pension roll, then it is done in violation of the law of the land and in the face of the legislation

enacted by the Congress of the United States, and that this branch of the Government should not submit to a violation of the law or recognize that violation of the law by appropriating money to carry it out in this pension bill.

But more than that, I think the facts as stated by the Commissioner himself demonstrate clearly that these men who go on the pension rolls under order No. 78 could not get there—that is, a large percentage of them—if it depended on their proving that they were suffering from a permanent disability that prevented their doing manual labor. Why do I say that? The Commissioner of Pensions states to the committee in the hearings that there are 48,662 claims filed up to December 1, 1904, under order 78. Of these claims he states that only 7,875 of them were old claims, men who claimed that they were entitled to a pension before order No. 78 was made, showing that over 40,000 claims were filed from the 1st of April to the 1st day of December under order No. 78 of men who evidently had not thought of claiming a pension under the general law of 1890, and would not have done so as shown by the enormous increase in these claims, filed under the order, that were not filed before that time. The statement of the Pension Commissioner shows that out of those 48,000 claims that have been filed under this order they have allowed 30,055 of the claims, and they are now drawing a pension, and drawing a pension, as we believe, beyond the law and without the enactment of Congress. Now, if you believe that the soldiers of the United States in the civil war are entitled to a service pension, it is your duty to enact a law and give them that pension according to law, and not in defiance of the law of the land.

Mr. CAPRON. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. CAPRON. I would like to ask the gentleman from Alabama if he believes, as I understood him to say, this being an illegal and improper order, whether or not a previous order of September 2, 1893, with which I have no doubt the gentleman is familiar, was a proper or improper, a legal or illegal order?

Mr. UNDERWOOD. I stated last spring when the matter was before the House, and state again, that I do not believe that order was legal and I do not think it was proper.

Mr. CAPRON. Then they stand on the same plane?

Mr. UNDERWOOD. Not entirely, because the difference between the two cases I pointed out then, and I point out now, is that under the order made by the Cleveland Administration, to which the gentleman from Rhode Island refers, the soldier was not put on the pension list, but if he was on the pension list they presumed that he had a total disability when he reached 75 years of age. As the gentleman well understands and knows, under the law of 1890, which provides as a maximum \$12 a month for pensions, all soldiers who go on under that law did not get \$12; but it must be shown that the disabilities are permanent before \$12 is paid, and the Cleveland order merely assumed that the disabilities were permanent where he reached 75 years of age, provided he had gotten on the pension rolls under the law. That is, that he had proved he was suffering from a disability, not contracted by his own vicious habits, which prevented him from doing manual labor. He had to show that first, and then if he were 75 years of age or when he became 75 years of age it was assumed that he was permanently disabled, and he was given the full amount. Now, the difference between that—which I do not think was right, because I do not think they had a right to assume a fact that the law required to be proven—and this is that this does not require any proof at all, but assumes the whole state of the law as soon as a man proves he is 62 years of age.

Mr. VAN VOORHIS. Will the gentleman allow me?

Mr. UNDERWOOD. I yield to my colleague.

Mr. VAN VOORHIS. I think the gentleman is not correct in his statement. The order issued September 2, 1893, goes far beyond what he thinks it does. Permit me to read a portion:

In cases in which the pensioner has reached the age of 75, his rate shall not be disturbed if he is receiving the maximum.

Then it goes further and it says:

And if he is not a pensioner he shall receive the maximum for senility alone, if there are no special pensionable disabilities shown.

Mr. UNDERWOOD. That latter clause does go further, but the main object of that order was to assure to the man who was 75 years of age the full amount of pension under the assumption that he was suffering from a permanent disability, which I do not agree with. I did not agree with it then and I do not agree with it now. I say we have got no right to assume facts that Congress says must be proven; whether it is made by one administration or the other it is the law of the land; when we say that the Pension Commissioner must take proof, that he shall take proof. You might as well say that if a man proves

that he is 62 years of age and came from a State that is north of the Ohio River it shall be assumed that he was a soldier in the Union Army and belongs on the pension list.

Mr. CAPRON. Will my friend permit me?

Mr. UNDERWOOD. You readily see the absurdity of making such an assumption, but you might as well make an order assuming that fact that is necessary to be proved as well as assuming that fact of his disability.

Mr. CAPRON. Now, does not my friend know as a matter of fact that order No. 78 is not an order directing that anybody be placed upon the pension roll, that it is simply a rule of evidence which has got to be supplied, and if the gentleman will read the instructions under order No. 78, which the Pension Office apply always in judging whether a man is or not entitled to a pension under order No. 78, he will see that they are only accepted as a rule of evidence in that case.

Mr. UNDERWOOD. I know they call it a rule of evidence. I am familiar with it, and I want to ask my friend from Rhode Island one question right there. He says it is merely a rule of evidence. Does he not know, and I am sure he does, that if a constituent of his goes to the Pension Office to-day and proves he has an honorable discharge as a soldier in the Union Army of the United States in the civil war and proves that he is 62 years of age that makes out his case under order 78 and that they put him on the pension roll? I ask the gentleman that question.

Mr. CAPRON. I answer categorically I do not think it is a fact.

Mr. UNDERWOOD. I understand it is a fact, and I understand that from the Commissioner.

Mr. CAPRON. I have never, for a constituent of mine, been able to have a pension secured by a mere presentation of that evidence.

Mr. UNDERWOOD. I understand that is what the Commissioner states; that is why he has placed these 30,000 men on the pension roll. It is because they proved they were 62 years of age, and I do not believe there is any doubt or any denial of that proposition. As a matter of fact, how was it that before this order was made there were only 7,875 men in the United States who thought in the accumulation of time, in the accumulation of records in the Department, that they could get a pension under the law of 1890, and yet within six months it jumped to 48,000, if they had not changed the law, if they had not changed the manner in which these men are placed on the pension roll? It is a fact and it is in violation of law, and Congress should not pass the money to carry it out.

Mr. VAN VOORHIS. Let me ask the gentleman, How many of the 48,000 the gentleman refers to were on the pension rolls before this order was issued?

Mr. UNDERWOOD. Well, I said I only give you his own statement. He says that up to December 1, 1904, 48,682 claims for pensions had been filed under order No. 78; that 7,875 of those claims were original claims on file in the Pension Office before order No. 78 was made.

That leaves some 40,000 claims that were filed under this order after it was made. Now, the appropriation that is made here, in the way that they write the bill, was not appropriated so much to carry out this law and that law, but they are all put in in bulk, and we are asked to appropriate \$137,000,000 to pay the army and navy pensions. We asked the Commissioner when he appeared before the committee how much of this money was necessary to pay pension under order No. 78. He said he did not know exactly, and could not tell until the 1st of next July. But I asked him if it would not take as much as he asked for last year, namely, four and one-half millions of dollars, and he said that he thought it would. And more than that, this very morning he appeared before the subcommittee on deficiencies of the general Appropriation Committee and stated that he needed four and one-half million dollars for the balance of this fiscal year to pay pensions with, the deficiency being created by pensions under order No. 78. So that the minority members of the Appropriation Committee believe we should strike out of this bill the four and one-half millions at least that the Commissioner admits the Government has to pay under order No. 78. And I therefore, on behalf of the minority members of the Appropriation Committee, Mr. Chairman, shall move when we reach the proper place in the bill that the bill be amended by reducing the appropriation in the bill of \$137,000,000 for army and navy pensions to the extent of \$4,500,000, so that the appropriation will read \$132,500,000 instead of \$137,000,000.

Now, I want to say to the gentlemen of this House, and especially to the Representatives on the opposite side of the House, that we men who come from the South do not come here to fight your pensions. We believe the soldier who carried the banner of his country, who endangered his life on the field of

battle for his country's sake, and for what he believed was just and right, that if he suffered then or suffers now, because of offering himself as a sacrifice at the altar of his country's glory or his country's fame, it lies not in our mouths or in the mouths of our people to detract from the honor and the fame and the glory that belongs to him; and we would not do it. But I do say that we who pay a third of the pensions of the United States, we who receive practically not a dollar back in return, have a right to ask, yea, more, we have a right to demand of you that you only pay pensions under the law, and not in violation of the law. [Applause on the Democratic side.]

Mr. Chairman, I reserve the balance of my time.

Mr. VAN VOORHIS. Mr. Chairman, this bill provides for a lump sum, out of which the various pensions are to be paid. If this amendment which the gentleman from Alabama [Mr. UNDERWOOD] proposes should prevail, it would affect all the civil war pensioners. It would not affect the pensions granted under order No. 78 any more than it would any other civil war pension. It would seem to me that there is another way of reaching this question better than the cutting down of appropriations all along the line, as the gentleman from Alabama [Mr. UNDERWOOD] proposes by the \$4,500,000 amendment. Now, as to order No. 78, the gentleman from Alabama [Mr. UNDERWOOD] differs with every Administration and with every Pension Commissioner that has served in that office since this law was enacted. This law was scarcely a year old until the Commissioner of Pensions declared that age was a disability, and granted pensions on age alone. Then, later, in 1893, Commissioner Lochren issued an order fixing 75 years as the limit under which a pensioner could receive the maximum rate of \$12 per month.

Now, Mr. Chairman, there appeared in the New York Tribune on October 17, 1904, an article over the signature of Commissioner Ware which I desire to have printed in the RECORD as a part of my remarks, and I ask unanimous consent that it may be so printed.

The CHAIRMAN. The gentleman from Ohio [Mr. VAN VOORHIS] asks unanimous consent that he may incorporate in his remarks a certain article from the newspaper which he mentions. Is there objection?

There was no objection.

The article is as follows:

LEGAL HISTORY OF PENSION ORDER 78—COMMISSIONER WARE SETS FORTH FACTS WHICH LED UP TO ITS ADOPTION.

To the Editor of the Tribune.

Sir: The Pension Bureau, unlike other of the Government bureaus, is under the immediate charge of the President, and he has a right to prescribe the duties of the Commissioner, which includes the right of directing what the Commissioner shall do and how he shall do it.

This duty has for many years been exercised, and heretofore without question. The law is as follows, taken from the United States Statutes:

"SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty land laws as may be prescribed by the President."

Order 78 was based upon the act of June 27, 1890, as amended. Said act, when read parenthetically, is as follows:

"SEC. 2. All persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom and who may be suffering from any mental or physical disability of a permanent character, not the result of vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners and be entitled to receive a pension not exceeding \$12 per month and not less than \$6, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated."

Under the above law old age has been pronounced an infirmity, and has for many years been considered in the rating of disabilities. Order 78 introduced no new principle. It only made certain and definite the experience of the Bureau.

Before the passage of the law of 1890, above quoted, rates not specified by law had been fixed by the Commissioner—as early as March 3, 1873—and afterwards on several occasions, to wit: April 3, 1884; October 7, 1885; September 26, 1886; November 5, 1887, and August 27, 1888.

Congress could not specifically provide for every form of wound, accident, or disability, and so it legislated in general terms, leaving very much to the discretion of the Commissioner, who was himself compelled, after taking the experience of the office for years, to make rules and formulate rates. This was done, and upon pages 28, 29, 30, and 31 of the pension laws, present edition, are found tables from which a few examples may be taken as illustrations:

I take the illustration of the thumb:

| | |
|--|------|
| Loss of palm of hand and all the fingers, the thumb remaining..... | \$17 |
| Loss of thumb, index, middle, and ring fingers..... | 17 |
| Loss of thumb, index, and middle fingers..... | 16 |
| Loss of thumb and index finger..... | 12 |
| Loss of thumb and little finger..... | 10 |
| Loss of thumb, index, and little fingers..... | 16 |
| Loss of thumb..... | 8 |
| Loss of thumb and metacarpal bone..... | 12 |

The first of such fixing rates after the said law of 1890 was made December 4, 1891.

After the adoption of the new pension law, June 27, 1890, many

questions came up for discussion, and among others the question of age as relating to disability, and under it appeals were taken to the Department from the rulings of the Pension Bureau.

The first one in which this matter was particularly called up was the case of Patrick Carroll (6 P. D., 259), and the following is the syllabus of the decision:

"Old age or senility is a legal disability under the act of June 27, 1890, and examining surgeons should estimate the amount of disability arising therefrom for the performance of manual labor and for earning a support by manual labor."

Patrick Carroll was examined in 1891 by a medical board and was found to be 62 years of age. His claim was rejected because the surgeons did not give him a rating, but the Department ruled:

"In fact, old age or senility is a legal disability under the act of June 27, 1890, and the surgeons should have given their estimate of the amount of disability arising therefrom for the performance of manual labor and the earning of a support thereby."

In other words, although there was no specific disability upon which the pension should have been granted, except that which was due to old age, the Department held that as Carroll was 62 years of age it should be taken into consideration.

This is the beginning of the ruling upon the age subject as relates to the law of June 27, 1890.

After the Carroll decision, above referred to, order 241, dated September 12, 1893, was signed up by William Lochren, Commissioner, fixing the rate of \$12 for a pensioner who shall have reached the age of 75. A copy of said order is as follows:

Order No. 241.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, September 2, 1893.

The circular of June 12, 1893, in respect to rating cases under the act of June 27, 1890, is withdrawn.

Hereafter, in affixing rates under this act, the medical referee or the medical officer in the board of revision shall weigh each disability and determine the degree that each disability, or the combined disabilities, disables the claimant from earning a support by manual labor, and a rate corresponding to this degree shall be allowed.

In cases in which the pensioner has reached the age of 75, his rate shall not be disturbed if he is receiving the maximum, and if he is not a pensioner he shall receive the maximum for senility alone, if there are no special pensionable disabilities shown.

WILLIAM LOCHREN, Commissioner.

Four days after the issuance of the last order another order was issued by the Commissioner:

Order No. 242.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, September 6, 1893.

In keeping with the practice established by Order 241 as to the age of claimants under act of June 27, 1890, it shall be presumed that claimants for increase under act of January 5, 1893, who are 75 years of age, or older, are wholly disabled for manual labor within the meaning of the act last named.

WILLIAM LOCHREN, Commissioner.

Thereafter, on March 29, 1894, J. R. Van Mater, acting chief of the board of revision, under orders from Commissioner Lochren, issued an order making the age 65 years a pensionable rate.

A copy of Mr. Van Mater's order is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, March 29, 1894.

To the Board of Revision:

By order of the Commissioner, the rate now received under the act of June 27, 1890, will be continued by the board of revision in cases wherein it appears that the pensioner has reached the age of 65 years.

J. R. VAN MATER,

Acting Chief of Board of Revision.

(Indorsement: March 29, 1894. Respectfully referred to Doctor Featherstonhaugh, medical referee. The inclosed instructions were given to the board of revision to-day. If the medical division will return any cases referred by us where the pensioner is 65 years of age, they will be acted on here. J. R. Van Mater, acting chief board of revision.)

On October 5, 1894, the Department, in the case of Joseph Hayden (7 P. D., 332) held that, although the evidence and medical examination did not show any great amount of disability from disease, but that nevertheless, taking into consideration his age—68 years—in connection with such disease as he had, it was held that a ratable degree of inability to earn a support by manual labor was shown, and the Department used this language:

"But in the case of this claimant, who was 68 years old and naturally enfeebled by such advanced age, the same causes for disability from such disease are more serious than they would be in a younger man, and constitute a ground for incapacity for earning a support by manual labor which entitles the claimant to a rating under the law."

In July, 1895, the Department of the Interior, under the Hon. Hoke Smith, Secretary, decided the Jacob Rinkel case (8 P. D., 30), of which the following is the syllabus:

"Where a declaration filed under said act contains no allegation as to any disabling cause, except that applicant is 75 years of age or over, such allegation of age will be held to be a sufficient allegation of disability."

"A declaration alleging age, whether over or under 75 years, and disability which may be expected as a natural pathological result of senility will be held to be good under said act."

In the body of the opinion the Department says:

"If a declaration sets forth that the claimant is 75 years of age, and no disabilities are alleged, the allegation of age alone will be held sufficient and a declaration will be held good, age being satisfactorily shown."

From the foregoing the procedure was definitely fixed that age only need be alleged by claimant.

On January 11, 1896, Assistant Secretary Reynolds, under President Cleveland, in the case of Thomas Hughes, Thirty-eighth Illinois Infantry, certificate No. 788690, said, in effect, that a pensioner who was on the rolls at \$6 per month would not be dropped from the rolls when

it appears that he has attained the age of 65 years, although without specific disabilities.

This holding was not published, but is shown, with others, by the files of this office.

The next holding of the Department is dated July 7, 1897, in the case of Francis Frank (9 P. D., 68).

The syllabus is as follows:

"A claimant who has attained the age of 65 years shall be deemed entitled to at least the minimum rate of pension unless the evidence discloses an unusual vigor and ability for the performance of manual labor in one of that age."

The claimant in this case had been denied a rating, and the Department cited the case of Jacob Rinkel, and of Orders Nos. 241 and 242 (all given above) and says:

"In retirements from the Army the age of 62 is fixed as of itself a sufficient reason for considering the advance to this age as a warrant for the cessation of the active duties of an officer."

In this decision is also cited the act of January 29, 1887, fixing the age of 62 as entitling a soldier or sailor of the Mexican war to the rate of pension therein provided, independent of any disability.

The next important case was one decided by Hon. Thomas Ryan, many years a member of Congress, and in 1898 First Assistant Secretary of the Interior. The case is that of Chauncey Davis (10 P. D., 12) of which the following is the syllabus:

"As the medical examination shows no appreciable disability the rate of \$6 per month is inadequate under the act of June 27, 1890, though claimant is 60 years of age and his system is relaxing by reason thereof."

And in the opinion the Department says:

"It is believed that a \$6 rating for senile debility is proper and commensurate with the degree of disability shown in this case and said rating having been allowed it is sustained."

So it appears from the foregoing that various ages have been taken by the Department as indicating disability from senility, and these ages extend from 60 years up.

In the Book of Practice, page 96, paragraph 9, published in 1898, the following practice is laid down by the Commissioner of Pensions and approved by the Hon. C. N. Bliss, Secretary of the Interior:

"Claimants who have attained the age of 75 years are wholly disabled for manual labor within the meaning of the law and are entitled to the maximum rating under the act of June 27, 1890. Claimants who have attained the age of 65 years shall be deemed entitled to at least the minimum rate under that act unless the evidence discloses an unusual vigor and ability for the performance of manual labor in one of that age."

These rates were not fixed by the Commissioner of Pensions until it became apparent to the Bureau, through long experience in handling the claims, that such and such disabilities did disable claimants in certain degrees.

When the writer became Commissioner, May 10, 1902, Congress was in session, and the foregoing were the rulings of the Department. Persons making applications setting forth their ages were granted pensions at \$6 and \$12 for the ages of 65 and 75 years.

In a very few days after assuming the office the writer found that the cost of medical examinations was exceeding the appropriation, and one of his first duties was to appear before Congress and show why he should ask for over \$80,000 more of money, the sum of \$700,000 having been theretofore appropriated.

The next year, owing to the increase of the business, an extra sum of \$156,000 had to be provided for. This led to an immediate examination of the pending conditions. It was found that those who were 62 years old were able to prove by their neighbors and medical assistants that they were one-half disabled from earning a support by manual labor. Those at 65 years were able to prove more, so also at 68 and 70 years old.

Mr. Davenport, the First Deputy Commissioner, instituted an examination into adjudicated cases for the purpose of finding out the proportions of rejections of those who were 65 and over. Thousands of cases were examined.

An estimate was made as to the cost to the Government of examining these cases, and it was found that applications were made one after another and examinations made one after another concerning the same pensioner, and that these examinations cost the Government in surgeons' and Bureau expenses at least \$10 apiece.

On the other hand, it was expensive to the claimants to leave their homes and go to places where there were examining surgeons, to pay railroad fare and hotel bills, and it was found that a very large number of these old soldiers often had to make two trips and were very often cared for by Grand Army of the Republic posts and by charitable associations to enable them to make the trips, and that the trips would average in cost about \$10 apiece.

The estimate which Mr. Davenport made was that not over 2 per cent of those who were 62 years old were finally rejected, and not over 3 per cent of those who were 70 years old were denied pension for total disability.

In view of the fact that applications came in at the rate of over two hundred thousand a year for original and increase pensions, it was seen that, as a pension under an age order would be simply anticipatory for a year or two, it was a saving to the Government to arrange an age-pension rule.

This would save \$100,000 to 10,000 old soldier applicants if under the age order, and a correspondingly large amount to the Government.

Thereupon order No. 78 was prepared in tentative form and submitted to the Department in the latter part of June, 1903. Its adoption in 1904 was not a matter of sudden or spontaneous action, nor did it have connection with any political question. It was a proposition carefully considered in the interests of the Government before it was promulgated. It has worked with perfect satisfaction. It was never expected to be contrary to the Constitution or any laws, because it was in direct line of established precedent and practice and within the power given to the President, to the Department, and to the Pension Bureau by Congress.

By adopting the rule in 100 cases the Bureau will be wrong in 2 cases out of the 100—perhaps 3—but the saving to the Government and the saving to the old soldiers will more than compensate for the excepted cases, for in such cases the soldier, if rejected, would have been able in two or three more years to have established his claim; anyhow, to a pension, so that the loss to the Government, as far as that is concerned, is quite trivial in comparison with the benefits.

Since order No. 78 has been made General Black and Judge William Lochren, both of whom were Commissioners under the Democratic régime, have pronounced order No. 78 to be a rightful and proper act, and it is the opinion of the writer that it will stand for all time as

being one of the features of our pension system—a feature derived from experience and based upon considerations which the community will recognize as persuasive.

E. F. WARE, Commissioner.

WASHINGTON, October 14, 1904.

Mr. VAN VOORHIS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, the subject-matter under discussion, special pension order No. 78, is not entirely new in the presentation that has been made by the distinguished gentleman from Alabama [Mr. UNDERWOOD]. The order was made just prior to the opening of the last Presidential contest by the present President of the United States, Mr. Roosevelt. An issue had been taken on the floor of this House, and severe, and, I may say, savage denunciation of that order had been made. As the campaign progressed it became one of the various and multifarious paramount issues of that remarkable campaign. A lawyer, it was said, was nominated for President of the United States. The gentleman seemed to know nothing about pensions or pension legislation. But it occurred to him, as a typical representative of the pertinacious Democracy, that there was another opportunity, an opportunity to appeal to a sentiment that is rife in some portions of our country, I confess much more strongly in some portions of the country north of Mason and Dixon's line than south of that line; and it occurred to him that it would be a good thing to make a point in some one of his statements.

He made several trips down to the city of New York and held divers conferences that were widely and voluminously published to the world. At last he made an emanation, and that emanation touched upon general order No. 78; and if my friend from Alabama had been in touch with the literature of that current campaign he would have understood that every straw in that load of straw was thoroughly, effectively, exhaustively, and disgustingly thrashed out. [Laughter.] After these numerous and multifarious trips up and down on the cars, that were heralded with so much of accuracy of statement, somebody whispered in his ear that it would not do to jump on pensions to the soldiers. So he concluded to shift his position a little, if he had a position [laughter], and attack, not the money that would go to the soldiers—not that, but the principle, the underlying principle of law that was to furnish a foundation and ammunition for an assault upon President Roosevelt, not for the purpose of showing so much that he was too liberal and too generous to the soldiers of the country, but for the purpose of showing that he was not a good lawyer and did not understand the great legal proposition involved in the enormous question under consideration. [Laughter.] Roosevelt had got the better of that gentleman on a very great question of law, and, to the utter amazement of his best friends, he turned out to be a better lawyer, a far better lawyer, than the distinguished ex-chief justice of the New York court of appeals in the way he applied the law in regard to the enforcement of the antitrust law just exactly right, while Mr. Parker was just exactly wrong.

He emerged from the disaster of that attack with a knowledge for the laying of the foundation of the Democratic platform upon the pension question. He did not resort in this particular case to the Western Union Telegraph Company to promulgate his platform. He made it in a publication that he made on his own merits—on his own hook—and without the help, so far as I know, of the New York newspapers, the Wall Street Journal, or any of the trust magnates of the city of New York. He got this one off on his own merits. If there is any one thing in his entire campaign—and I am pointing it out—that produced that condition that could influence the rendering of public service to this country that endeared him to the heart of every Republican [laughter]—and I point it out to my friend from Alabama—it is the utter failure in the undertaking to make anything out of that question of order No. 78. Driven at last to a full explanation, the Democratic candidate for the Presidency said what? Not that it was a too free or generous a use of the public money. Oh, not at all. He said if he became President—about that time the battle had become hand to hand and the charge something like San Juan Hill shape [laughter], and the Rough Rider made a charge on the martial man [laughter], and the Rough Rider wanted to know directly and distinctly what he knew about it, and what he proposed to do. "Do you propose," he said, "Judge Parker, do you propose to repeal that order No. 78 if you should be elected President?" "Yes," said Judge Parker, "I do. That will be the first thing I will do in the morning. [Laughter.] I will resort to the Western Union Telegraph and paralyze that whole system of outrages upon the pension system of the United States; but I will use my influence at once to have it reinstated by law."

There he gave away the whole business, and the look of utter

and unutterable contempt that appeared upon the visages of the Democratic leaders in this country when they read that promulgation formed a picture that would have made my everlasting fortune if I could only have depicted it upon canvas. He had made his escape there. It was his first escape and his last escape. [Laughter.] He was perfectly willing that the soldiers should have the money—that was all right, the regular gradations of six, eight, ten, and twelve dollars—but there was a fundamental principle involved in the way they were to get it, and that was the thing that disturbed the peace of mind up at Usopus or Esopus or some kind of a Sopus.

Mr. WARNOCK. Softsoapus. [Laughter.]

Mr. GROSVENOR. They thought it was softsoapus at the time, but it turned out to be hardsoapus before they got through with it. [Laughter.]

Now, let us see. My friend, I believe, is a lawyer. Let us see what there is in pension order No. 78.

I thrashed out all this straw on this floor a year ago, and I want to apologize for going over the same ground again. I did not believe there would be a gentleman on this floor who would make again the speeches that were made a year ago; but sometimes we do better to make our old speeches than we do to attempt to make new ones. It takes less brain work.

Now, let us see. The law of 1890 is a very simple provision. It is not a law for indigent soldiers; it is a law to compensate soldiers for disabilities that affect their power to earn a living by manual labor. It applies as well to the millionaire as to the indigent. On one occasion we had pending here a bill that reached out in the direction of indigent soldiers. I was opposed to that bill, and I have ever been opposed to every bill or any bill that contained a single suggestion that a soldier should be compelled to prove his poverty and expose his indigence before he could be entitled to the benefit of the pension law. Yet when we passed the act of 1890 many enemies of that bill made haste to proclaim all over the country that we had passed an indigent pension bill; and I appeal to my comrades around me if they are not still constantly receiving letters referring to the "indigent pension law," protesting that they are not willing to prove their poverty?

Now, the act of 1890, which is the law of the land governing the distribution of a large part of the \$140,000,000, or whatever sum we appropriate in this bill, provides that that money shall go to the men who are disabled from earning a living by manual labor regardless of the question how their disability arose, provided they did not contribute to it by a vicious life. We got that matter pretty well straightened out. We understood the law. It was being administered fairly; not quite as rapidly as it ought to have been, possibly. Perhaps I am mistaken. Now, what did we have? It was simply and solely a question of fact, or a question involving a number of facts. First, was the applicant a soldier? Did he serve ninety days or upward? Was he honorably discharged? Is he suffering under some physical or mental disability that impairs his power to earn a support by manual labor?

(The time of Mr. GROSVENOR having expired, Mr. VAN VOORHIS yielded to him five minutes additional.)

Mr. GROSVENOR. Those are all the questions to which we have been subjecting these claimants—to prove each one of the individual facts I have stated.

How much of \$12 was the individual to get? That is a question of fact. We undertook to have it decided by the local board of pension examiners. The administration of that has not been satisfactory for a number of reasons, one being that the local board is very apt to mislead the applicant by stating to him that his condition is much worse than the examiners here in Washington ascertained the real fact to be. So this suggestion of a rule of evidence was submitted and discussed in the Pension Office, and the President of the United States took an intelligent and wise view of the whole situation. How much, as a matter of fact, is a disabled man earning his living by manual labor? Why, one of the facts that always entered into the proof, one of the very primal facts, was to prove to the examining surgeons the age of the applicant. What was that for? What had that to do with it? It was done for the purpose of ascertaining what would be the probable effect of a condition described by the surgeons upon the individual at 62, 65, 68, or 70 years of age. So this order comes in and says that while the application of this money must be upon the basis of actual disability, in ascertaining how much each individual is entitled to we will presume that a man at 62 years of age is only able to earn by manual labor one-half of what an able-bodied man is able to earn. That is all. Why, it was one of the elements before. It was one of the items of proof. It is simply made applicable in the particular force that is given to it by order No. 78.

Mr. Chairman, having stated this much, I am through substantially with what I have to say.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. PADGETT. Do I understand that under this order a man 62 years of age is presumed to come within the terms of it although he may be worth \$100,000?

Mr. GROSVENOR. That is a question of legislation and not a question of the construction of this law. As the law stood before this order was made, a millionaire was entitled to just the same pro rata of money growing out of disability as the beggar. That statute has been upon the statute book now for fifteen years and is there now.

Mr. PADGETT. Upon what theory does the gentleman justify it?

Mr. GROSVENOR. I am not discussing that question; that is a closed incident and has been passed upon approvingly by the Democratic and Republican Houses of Congress from that day to this. This is a question of evidence. It is a question of how much it shall be presumed that old age has affected the physical power of the applicant for a pension, and I say that there is no more satisfactory, no more judicious, no more wise, proposition than the one involved in pension order No. 78.

I was delighted that the President, with the assault made upon him by his opponent, stood up like a man—I was not surprised at that, for he always does that—and defied the criticism of his order and appealed to the country that his order was intelligent, was wise, was judicious, was loyal.

Mr. VAN VOORHIS. Will the gentleman yield to me for a suggestion?

Mr. GROSVENOR. Yes.

Mr. VAN VOORHIS. Commissioner Ware has reported that out of many thousand tabulated cases, cases examined by the medical board, only two in every one hundred 62 years old were barred because they were able to earn a living.

Mr. GROSVENOR. That shows the force of the proposition. Out of that vast column of men who presented themselves for examination only two were found, in the estimation of the examining surgeon, not injured by old age. Why, Mr. Chairman, if I were addressing a public audience I should not hesitate to appeal to every intelligent man, woman, and child in that audience to say to me if, in their judgment, there lives one man in a thousand who served through the civil war from 1861 to 1865, who has now reached the age of 62 years, who is able with his hands and his muscles to earn a living. A wiser, better provision than this was never made by an order of the President of the United States—strictly in line with the law, strictly in line with justice, strictly in line with patriotism. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I think that the statement made by my colleague on the committee as to the number of cases examined by the Pension Commissioner is about on a basis with the whole line of argument in support of the President's order. The Commissioner did state—I heard him state—that of several thousand cases examined in the Pension Department, under the law, of men applying for pensions only two were found to be not suffering from disability and not prevented from doing manual labor. But mark you, every one of those thousand cases were men who had sworn and believed they were suffering from disabilities that prevented them from doing manual labor before they made application for pension. They came there stating that they were disabled; they were the select cases taken out of all the Army, the selected cases for disabilities.

These thousands of men did not come from the body politic of the United States, they did not come from all the soldiers of the United States, they were not drawing pensions, but they came from those who could produce evidence that they were disabled, and even with this there were two found and turned down by the board that showed that at 62 years of age they were not suffering from disabilities. But under this law these two can draw on the pension roll a pension in violation and contrary to the law of June 27, 1890. If two men out of this thousand cases who said they were suffering from disabilities are found not to be within the terms of the law and yet within the terms of the President's order, how many thousands of them were there at that time who had not applied for pension, that did not believe they could get one, that can take advantage of the law now? I do not care to go into a further discussion of the question.

Mr. LACEY. I would like to ask the gentleman a question in that connection. This was, of course, an administrative order, said to be in the line of economy. Now, I want to ask the gentleman if it did not cost \$6 in these two cases referred to by the gentleman for the examination? If it did, then, in that thousand of cases an examination was saved, and does not the gen-

tleman think that that was in the interest of economy and simplicity, and that this is a good rule?

Mr. UNDERWOOD. I suppose, if my friend's argument was carried out, he would have the President issue an order that every man who served in the Army or the Navy, 62 years of age, should be placed on the pension list in the line of economy and simplicity. It would certainly be in favor of simplicity, but not in the line of economy to save \$6 for the examination of a pensioner to see whether he was disabled or not, and then pay him from \$6 to \$12 a month for the balance of his life. I must say that I fail to see the significance of the gentleman's argument in favor of economy.

Mr. LACEY. They do not simply save the \$6 for the examination of these men.

Mr. UNDERWOOD. They save the \$6 a month on the two men, but pay the thousand from \$6 to \$12 a month pension. I can not see the economy in it; I suppose I may be dull. As matter of fact, you can, under this order, put a man on the pension roll who is not entitled to it, and, therefore, you are doing it in violation of law, and the very argument made by the gentleman from Iowa and the gentleman from Ohio demonstrates that fact. Now, I merely wish to say this in reference to the argument made by the gentleman from Ohio, and that is, that I regret that he made that argument on this bill.

I do not desire, nor do we on this side of the House desire, to drag the pension rolls of the country in the mire of party politics, and you can bear witness that we have not done it; but I have never heard the gentleman from Ohio [Mr. Grosvenor] take up any question before this House, no matter how solemn it was, no matter how great a duty the nation owed in the matter involved, no matter what it was that came before the House, but that the argument he must use to gain your support and ask you to follow was that you must drag it down into the mire of partisan politics and compel you to merely follow because a Republican leader said you must. What have last year's campaign speeches to do with this? What has the position of Judge Parker got to do with the rights and the wrongs of this question? I am not here to make attacks on the President of the United States. I have not done so. We are not here doing that.

It does not matter what was discussed in the Presidential campaign. It seems to me that since the Presidential campaign has been over the attacks that have been made upon the President of the United States have come from the Republican side of this House and the Republican side of the Senate Chamber. As far as I know, on the great questions that the President of the United States in his messages to Congress has advocated and asked Congress to enact into law—a revision of the tariff laws of the United States, fair and just and conservative legislation in reference to the regulation of railroad rates—you found the Democrats standing in a solid phalanx in support of his measures, and in support of his cause, because we believed him right, and we were not afraid to follow a Republican President of the United States when he was right. But the gentleman from Ohio [Mr. Grosvenor] would say to you that you must not follow any motion coming from this side of the House, right or wrong, because you must sustain it under Republican politics.

Mr. GROSVENOR. Mr. Chairman, will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. GROSVENOR. Which party brought this question into the campaign last year?

Mr. UNDERWOOD. Why, the issue on the floor of the House was what brought it in.

Mr. GROSVENOR. Who brought it into discussion in the House first, the Democratic or the Republican side?

Mr. UNDERWOOD. Certainly, we brought it in here, but we did not bring it here as a political question. We said that order No. 78 was contrary to law, and that we had no right to make the appropriation for it.

Mr. GROSVENOR. Who brought it into the Presidential campaign afterwards?

Mr. UNDERWOOD. Why, of course, we did, and we had a right to discuss it in the Presidential campaign.

Mr. GROSVENOR. Certainly, you had a right to discuss it, and you did.

Mr. UNDERWOOD. We had a right to discuss anything that occurred here, any action the President took, but that was in a political campaign. The political campaign is over. Mr. Roosevelt has been elected. He says he is not a candidate again. There is no politics that we can make out of this proposition, nor are we attempting to make any. The gentleman from Ohio knows that and knows it well. He merely attempts to make this argument from a political basis and from a political standpoint in order to prevent his own side of the House from looking

at it clearly as a matter of law and determining it on that broad basis.

There is not a man who stands here—the gentleman from Ohio, the gentleman from Iowa, or my colleague on the committee—who can rise on this floor and say that it is not possible for a man to get on the pension rolls under this order who can not get on the rolls under the law. If that is the case, every man that gets there under the order who could not get there under the law of 1890 is doing it in violation of the law of the land, and when you appropriate this money to pay the pension after he gets there you are violating the law of your country; and there is no politics in this. It is right under the law, and if you do not think the soldiers of your country are being fairly and honestly treated under the law do not hide behind the President of the United States, but do your duty yourselves, and bring in a bill here to remedy the law and pass one that you believe will do this for those soldiers. Do not require the President of the United States to issue an illegal order to do that which you fear to do yourselves. [Applause on the Democratic side.]

Mr. VANVOORHIS. Mr. Chairman, I yield five minutes to my colleague, the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, as a member of the committee, I wish to say a word in response to the gentleman from Alabama [Mr. UNDERWOOD]. It seems to me a very extraordinary proposition that he makes, that this is a matter of partisanship on this side of the House.

Mr. UNDERWOOD. I beg my colleague's pardon. I did not make that point, but the gentleman from Ohio [Mr. GROSVENOR] started it.

Mr. GILLETT of Massachusetts. The gentleman from Alabama just said that it was partisanship on this side of the House.

Mr. UNDERWOOD. I said that was an argument the gentleman from Ohio made. I said nothing about partisanship.

Mr. WM. ALDEN SMITH. Before election?

Mr. GILLETT of Massachusetts. I beg your pardon. The gentleman has just charged us on this side that we are going to vote for this because on this side it is being made a partisan question.

Mr. UNDERWOOD. I said the gentleman from Ohio made his political argument on this matter to get you to follow him. I did not say you were going to do it.

Mr. GILLETT of Massachusetts. You say that effort was being made.

Mr. UNDERWOOD. Well, it has been made and is being made by the gentleman from Ohio, and not by myself.

Mr. GILLETT of Massachusetts. I wish to say it is the gentleman from Alabama, in my opinion, who has made a partisan argument. It has not been begun on this side of the House. It did not begin even with the gentleman from Alabama. We all remember probably how this argument began in the last Congress. I confess I was surprised then when a distinguished gentleman signalized his return to this House, which we all welcomed, by making the proposition that this order No. 78 was the parting of the ways, was an encroachment upon the rights of this House by the Executive, and now the gentleman from Alabama repeats practically that charge and says that order is not lawful, but is a rule which is contrary to the law. Now, the singular thing about it is, as we all know, that this order is no innovation, but is an exact repetition of the rule that was adopted under the Cleveland Administration, when the gentleman from Alabama was a Member of this House, and yet the gentleman from Alabama then never saw anything in it which he thought made it incumbent upon him to object to or criticize.

The very principle that is carried out here was adopted through and through by the order of Mr. Lochren, and was applied just as this is applied, and yet not a word was ever said on that side of the House to suggest that that order was any violation of law or any infringement upon the rights of the House, and therefore it certainly is not unnatural that we should have a suspicion that instead of partisanship originating on this side it has originated there, and that this argument is made by them not because they really believe it is a violation of our rights and a violation of law, but because they see an opportunity for partisan gain in it. The statement by Mr. Ware, which the gentleman in charge of the bill has put into the RECORD, is absolutely conclusive, it seems to me, to any legal mind of the rights of the case, but, of course, it is always easy to try to becloud it and charge that we are infringing the law, and the gentleman's amendment, which he says he is going to offer, to strike out \$4,000,000 is just about as logical as his argument on this order, because if he strikes out \$4,000,000 it does not strike these pensioners. He can not make it apply to the particular men to whom he objects, but it just reduces by so

much the general appropriation. It is perfectly illogical, and it seems to me his whole argument is just as illogical.

This order is simply presumption of evidence. The gentleman says he can not see any economy in it. Why, the records show that 2 per cent only of men above 62 years of age are found able to so perform manual labor that they could not avail themselves of the law. Consequently if this rule was not in force the 100 per cent would have to be examined, but 98 per cent of that hundred would be found to be entitled to the pension; therefore we save examination of 100 per cent and only 2 per cent of them could be rejected anyway. Therefore I think the gentleman will recognize there is economy in it.

Mr. BOWIE. May I ask the gentleman a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BOWIE. If that argument is sound, what is the use of having a service pension bill to begin at 62 years of age? Why is there any sense in having a service pension bill if you can put them on by simply saying as a matter of evidence a man 62 years of age is disabled?

Mr. GILLETT of Massachusetts. You mean a service pension in the Regular Army?

Mr. BOWIE. There have been various pension bills at various times in the history of this Government relating to Mexican soldiers, etc. Now, what is the use of having a service pension bill for old age? What is the use of having one if you can put them on when they reach 62 years of age without a law to that effect?

Mr. GILLETT of Massachusetts. I do not see the gentleman's logic. I do not see his point.

Mr. BOWIE. The point is that heretofore it has been considered that if you are to admit to a pension every man over a given age you must say so expressly.

Mr. GILLETT of Massachusetts. Yes.

Mr. BOWIE. That has been said with reference to other wars than the war between the States. As to the civil war, or the war between the States, there has been no such act passed.

Mr. GILLETT of Massachusetts. Of course, we never had any act like this act of 1890, saying that when a man was incapable of manual labor he should be entitled to a pension of a certain amount. We never had any such law before, and so, of course, we never could have such a rule of evidence as this.

Mr. BOWIE. Does the gentleman from Massachusetts [Mr. GILLETT] hold that the act of June, 1890, is legally equivalent to a service-pension act, as was passed with reference to the Mexican war or the war of 1812?

Mr. GILLETT of Massachusetts. I do not know whether that applies to the Mexican war or not. I do not think it does.

Mr. BOWIE. We had to get a service-pension bill through Congress in order to give everybody who served in the Mexican war over a certain age a pension, and the whole point of the objection to order No. 78, as I understood it, was that you did not get the consent of Congress to that same character of legislation in this instance.

Mr. GILLETT of Massachusetts. Does the gentleman from Alabama [Mr. BOWIE] object to the order of Mr. Lochren, under a Democratic Administration, when this law of 1890 began to be administered?

Mr. BOWIE. I think there is a good deal of difference between the order of Mr. Lochren, as it has been explained to me, and order No. 78.

Mr. GILLETT of Massachusetts. Will the gentleman from Alabama [Mr. BOWIE] point out any difference?

Mr. WM. ALDEN SMITH. The difference is that one was Republican and the other Democratic.

Mr. BOWIE. No; the difference is more than the gentleman from Michigan [Mr. SMITH] has stated. The difference, as I have understood, between the Lochren order and order No. 78 is that, in the first place, there is a very much stronger presumption of disability at 75 years of age than at 62 years of age.

Mr. GILLETT of Massachusetts. That order was finally reduced to 65 years.

Mr. BOWIE. The Lochren order did not reduce it to 65 years.

Mr. GILLETT of Massachusetts. One of the Lochren orders did.

Mr. BOWIE. The original order did not.

Mr. GILLETT of Massachusetts. The original was 75, and it was reduced to 65.

Mr. BOWIE. The reduction to 65, as I have understood, was during the McKinley Administration.

Mr. GILLETT of Massachusetts. I think not, but I am not sure about it. Of course that makes no difference in the principle.

Mr. BOWIE. I think it does. Would you say that 21 years of age would be evidence of disability? Seventy-five years might be, but 21 years would not.

Mr. GILLETT of Massachusetts. Then the gentleman from Alabama [Mr. Bowie] admits that some age is an evidence of disability.

Mr. BOWIE. Some age is evidence of disability.

Mr. GILLETT of Massachusetts. That admits, then, the principle and reduces it all to a question of degree.

Mr. BOWIE. The explanation, as I gathered—I may be mistaken—with reference to the Lochren order was that there had been a number of soldiers admitted to pensions under a ruling which the Department afterwards reversed, causing the reexamination of many cases that had been admitted in the interim, and, as that involved a great deal of expense in the reexamination in those cases, they drew a line at the reexamination at 75 years of age, and said they would not reexamine those who were over that age. And I think that very greatly distinguishes the case from the order No. 78, which latter takes as evidence of disability the mere fact that the man is 62 years old.

Mr. GILLETT of Massachusetts. That was so, but the order also provided that when a man reached the age of 75 it should be presumptive evidence of incapacity. It was so under the Cleveland Administration.

Mr. BOWIE. If the gentleman from Massachusetts [Mr. Gillett] states that to be a fact, I will accept it. I was not aware of it.

Mr. SHERLEY. Will the gentleman from Massachusetts [Mr. Gillett] yield for a suggestion and a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. SHERLEY. I desire to answer his question, that the justification of the act of President Roosevelt can not be made on the basis of the action of President Cleveland. In my judgment they are both wrong in principle, both contrary to the law, and in order to demonstrate that I will say—and I do not wish to talk politics—you have a law proposition up that seems to me perfectly plain. If the President had the right to name 62 years, he had the right to name any less period of time at which a personal disability would be considered as having occurred. Then you have this situation: You have got an arbitrary ruling to determine a fact in place of the judicial determination that the law of 1890 required. Is not that so, and is not that the meat of the proposition?

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, I am glad that the gentleman from Kentucky [Mr. Sherley] in the first place says that he does not distinguish one order from the other, and, of course, if he was not here under the Cleveland Administration I can not make the same criticism upon him that I can upon the gentleman from Alabama [Mr. Underwood].

Mr. SHERLEY. Let us cut politics out and answer the law proposition.

Mr. UNDERWOOD. I want to say to my friend from Massachusetts [Mr. Gillett]—I did not interrupt him before, but he refers to me again—that the order of Mr. Cleveland was made in 1893, and I was not here, as I was not elected to Congress until 1894, and I did not hear of the order until the second order was made under the Cleveland Administration.

Mr. GILLETT of Massachusetts. The gentleman from Alabama was two years a Member under that order of 1893 and the Cleveland Administration.

Mr. UNDERWOOD. Of course many things go on in the Government that you and I have not heard of yet.

Mr. GILLETT of Massachusetts. Certainly; but it is a little singular that no criticism was made on that order until the principle of the order was extended by a Republican President, and the criticism was made just on the eve of a Presidential campaign; but I will leave that out.

Mr. SHERLEY. Eliminate politics and answer my legal proposition.

Mr. GILLETT of Massachusetts (continuing). And I will answer the question of the gentleman from Kentucky, and to him I will say this: That of course, technically, if the President has the right to fix one age you could say he might fix any age. But you must recognize this fact, that this fixing the age at 62 does not fix it as law—does not fix it as a fixed rule. It simply makes that a presumption, and (I do not remember the exact words of the order) in the lack of other evidence that would be considered as proof of disability.

Mr. SHERLEY. If the gentleman from Massachusetts will permit me, does it not enable the Commissioner to pay out money without having had a judicial determination of the facts that the law of 1890 says shall be had?

Mr. GILLETT of Massachusetts. Why, no, Mr. Chairman; no more than these other laws do. Under the law of 1890 they have established in the Department a regular schedule of pre-

sumptions, among them, for instance, one thing—that if a man has lost one finger he is entitled to a certain amount, two fingers another amount, etc.

Mr. BENTON. That is the law.

Mr. GILLETT of Massachusetts. I think not. There are rulings made that certain disabilities shall be allowed a certain amount.

Mr. SHERLEY. I can only answer the gentleman by saying that there the Department has also disregarded the law.

Mr. GILLETT of Massachusetts. The gentleman, then, would take the ground that it is never possible for any judicial body, which I suppose the Pension Department is, to make any presumption at all, but that they must absolutely have the facts in each case, although, as in this case, there has been an investigation, for the Commissioner says he investigated a large number of cases, which show that in 98 per cent of them a man when he gets to 62 years of age comes under the exact technical description of the act of 1890 and is incapacitated. Now, it seems to me, having found that out, it is not only a legal but a very proper and sensible conclusion to frame this order. There is a presumption and consideration of each case. And if there is no other evidence, no contradictory evidence, nothing which casts any suspicion on that particular case, then in the lack of other evidence we will assume as a fact what 98 per cent of our investigation has shown to be the fact.

Mr. SHERLEY. My position is this: Not that it may not be the part of wisdom for the lawmaking body to determine that a presumption was to be indulged in on the part of the Department, but that it does not lie either with the President of the United States or the Commissioner to take a presumption in law for an investigation that the law says shall be made. Now, I think it would be wise—I think this House ought to bring in a bill making it law—that when a man is 62 years of age he shall be presumed to be partially disabled; but I do not think the wisdom of the act ought to blind us to the illegality of it.

Mr. GILLETT of Massachusetts. The gentleman loses sight of the fact, it seems to me, that in making this presumption the Commissioner considers under the law infirmity is a disability. Old age constitutes certainly an infirmity. A man 62 years of age can be fairly considered infirm. So that he has that natural presumption in his favor, and that presumption is founded upon evidence, because the evidence shows the man is 62 years of age, and 62 years of age is ordinarily an infirmity, and in lack of other evidence that can fairly be presumed sufficient. The gentleman, I think, loses sight of the fact that the law specifically allows a pension for infirmities—and advanced age is clearly an infirmity.

Mr. LACEY. If the gentleman will permit me to make a suggestion there, I would state to him that Congress itself has fixed 64 years for the age of retirement of the Regular Army.

Mr. BENTON. That is the law.

Mr. LACEY. By law they are concluded to be disabled to an extent that requires retirement. It might be a good precedent, I would suggest to the gentleman.

Mr. GILLETT of Massachusetts. Well, now, Mr. Chairman, it seems to me that is a sufficient answer to the gentleman that the Commissioner and those under him, in carrying out this act, found on investigation that if a man is 62 years of age he is ordinarily suffering from infirmity, and therefore he can, in lack of other evidence, assume that he has such an infirmity as entitles him to a pension in absence of contradiction.

Mr. ROBINSON of Indiana. Mr. Chairman, if the gentleman will permit me, in the last Congress gentlemen several times intimated that the purpose of this order 78 was to avoid the granting of legislative relief in the direction of a service-pension bill. A large number of such bills were introduced last session, one by the chairman of the Committee on Appropriations [Mr. Hemenway]. Its provisions had received the sanction of the Grand Army of the Republic in their 1903 convention, and was in consonance with thousands of petitions coming to us, asking us to pass a service-pension bill. Now, may I ask the gentleman at this time what his party is likely to do in the way of granting a service-pension bill in response to numerous petitions that have been sent along the line and of bills that have been introduced in this House? If there is anything to be done at all, can the gentleman tell us what it is?

Mr. GILLETT of Massachusetts. I have not any knowledge at all as to what this House is apt to do.

Mr. ROBINSON of Indiana. But the gentleman is not oblivious to the hundreds of petitions that have come here to this Congress, and he is not oblivious to the fact that this Order 78 was charged to be a subterfuge to avoid legislation upon the subject on which the soldiers of the country and the Grand Army desired legislation. Has the gentleman's side of the House until

now kept so quiet because of assurances that the soldiers would get legislation through a service-pension bill?

Mr. GILLETTE of Massachusetts. I am a little surprised that the gentleman should inject such a question as that, when he knows that I have just as little information upon the subject as he has.

I had no idea of taking all this time. I just wish now to read the closing words of section 2 of the act of 1890, which says:

And in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated.

Now, there is ample justification for any Commissioner to decide that at the age of 62 a man is entitled to a pension. Under the very language of that act the fact that the man is 62 years old can be considered an infirmity, and it seems to be preposterous for anybody to claim that it is any infringement of our prerogatives under that provision for the Commissioner of Pensions to make such an order.

It certainly is extraordinary for gentlemen on that side of the House who sat here in silence when President Cleveland begun what they now charge as encroachments to expect that we shall give them much credit for sincerity in these very late attacks.

Mr. BENTON. Mr. Chairman, I am on the committee and I signed the minority report. The gentleman from Ohio [Mr. GROSVENOR], who spoke at length on this question, told the truth when he said that we thrashed out this question last winter. I talked at some length at that time. The political question connected with it was thrashed out during the campaign, and the gentleman's party won, as far as that is concerned. On that subject, if the argument of the distinguished gentleman from Ohio is worth anything, it is that whether you do a lawful act or not, if you win in the election, that "heals up and hairs over the sore." That is all it amounts to. That is what the argument of the gentleman means.

I desire to say this much on the subject, after the veterans from Massachusetts, Alabama, Ohio, and Kentucky have been heard, the real question is this, and that is all there is to it: Should we pension every man who was honorably discharged who served ninety days or more in the United States Army during the civil war? My own opinion is that we ought. I have stood ready here for years, as it is generally known, to vote for a service-pension bill. I believe it is best for the country; I believe it is best for the soldiers, and I do not want to put it off.

The politics of the question last winter was just this: There would not have been 25 votes in this House against a service-pension bill. I was in favor of the bill introduced by the gentleman from Indiana [Mr. HEMENWAY], chairman of the Committee on Appropriations, which was to give them all \$12 a month. But when the figures were made up by the statistician it was discovered that it would raise the pension appropriation bill something like \$38,000,000 per annum. From the Republican standpoint it was not considered safe to raise the appropriation that high when we did not have a great deal of money. Therefore no bill was reported, but this jack was turned from the bottom—order No. 78. That is the politics in it, and a lot of men on our side kicked on it for political reasons, too. There is no reason to kick about it, except that if you intend to pass a service-pension bill you ought to do it. If men on this side of the House are ready to vote for it, you who pretend to be the especial champions of the Federal soldiers ought not to fool them. You ought to tell them the truth and say why you do not pass a service-pension bill, because you do not want to add \$40,000,000 per annum to the appropriations. You ought not to hold out any such false notion as that.

The truth of it is that under order No. 78 a man has to prove every fact and his age, too, before he goes onto this roll. I have no complaint to make of order No. 78, except that it has no law behind it. That is all there is to it. I say you ought now, as soon as you may, to pass a service-pension bill and stop all this rot about it. You might just as well spend this \$40,000,000 for the men who saw service for the Government as to be spending it in other ways, because we spend all we in Congress can get our hands on, and then some besides.

The leaders of the House, who are responsible for the legislation, are struggling now to keep a lot of bills down that appropriate money. We could just as well appropriate it for the ex-Federal soldier as to appropriate it for other things that are not any more necessary. Just simply state the plain truth when you talk about the politics of the situation. Our candidate for the presidency thought he would make something out of it on the question of economy, and the other man "out-smarted" him on the question and made more out of it in the political campaign. That is all there is to it.

Now, Mr. Chairman, I do not think we ought to appropriate money by a special order of the President. I think we ought to pass a service-pension bill. That side of the House—the

Republican—is responsible for the legislation, and if you do not do it now, if it is too late at this session, commence on it early next session and insist upon its being done and stop all this political palaver about the pension question.

I will not quit my place on the floor until I congratulate the country on the fact that the House of Representatives is again in touch with the other end of the Avenue, as has been evidenced this evening by the strong indorsement given to the President by the gentleman from Ohio [Mr. GROSVENOR]. [Laughter.]

The CHAIRMAN. The Clerk will read the bill by paragraphs.

The Clerk, proceeding with the reading of the bill, read as follows:

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, \$137,000,000: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. UNDERWOOD. Mr. Chairman, I move to amend this paragraph by striking out, in line 12, page 1, and line 1, page 2, the words "one hundred and thirty-seven million dollars" and inserting in place thereof "one hundred and thirty-two million five hundred thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 12, and page 2, line 1, strike out the words "one hundred and thirty-seven million dollars" and insert in place thereof the words "one hundred and thirty-two million five hundred thousand dollars."

Mr. VAN VOORHIS. Mr. Chairman, I repeat what I have already said in reference to this amendment, that we appropriate a lump sum. There is no special appropriation for pensions allowed under order No. 78, and if this amendment should carry it means a reduction of pensions all along the line. It would not apply solely to the pensioners who are drawing a pension under the age limit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and the amendment was rejected.

Mr. UNDERWOOD. Now, Mr. Chairman, I offer the following amendment to the same paragraph.

The Clerk read as follows:

After line 5, page 2, insert:

"*Provided*, No part of the money herein appropriated shall be used to pay pensioners who are now on the pension roll under the law of June 27, 1890, unless it has been proven that said persons served ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, were suffering from a mental or physical disability of a permanent character not the result of their own vicious habits, which incapacitate them from performance of manual labor to such a degree as to enable them to earn a support."

Mr. GROSVENOR. Mr. Chairman, I make a point of order against that amendment.

Mr. UNDERWOOD. I will say to the gentleman from Ohio, in the first place, that this is a limitation on the appropriation which can be made. It is not a change of existing law, because I have, with the law before me, copied the law of 1890, and have merely said that it shall be proven that these facts are true—that is, that the facts as stated in the law of 1890, word for word and letter for letter, merely requiring that they shall be proven. If order 78 proves them, why you have got no complaint. It does not change the law. If order No. 78 does not prove them, it does not change the law.

Mr. MANN. May I ask the gentleman a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. Does the gentleman think that putting the same law on the statute book in two places makes it any stronger?

Mr. UNDERWOOD. No; but I think this raises the question that the Comptroller can determine whether order 78, requiring the pension applicant to prove that he is 62 years of age, proves those facts.

Mr. MANN. Why could not the Comptroller determine that now?

Mr. UNDERWOOD. He may not desire to determine it now. If we put this on as a limitation he will have to determine it. I am sure my friend does not object to having the question determined whether we are obeying the law.

Mr. MANN. I have no desire to evade the determination of the law, but I desire to prevent putting the same law twice on the statute book in different places. I can not see how you add anything to the effect of the law by enacting it twice.

Mr. UNDERWOOD. We do not enact it twice. This is merely a limitation of the payment as to this particular money; after this money is paid out the limitation is gone. If it is not

good, he fails anyhow. It merely raises the question under the law. If gentlemen on that side of the House are afraid to let the question be tested as to whether the President's order is a good one and a lawful one or not, why, then vote it down; but if you believe in what you say, that the President of the United States has made an order within the law, then vindicate him by adopting this amendment, and let the law officers of the Government determine that he is within the law.

Mr. FULLER. Mr. Chairman, the existing law contains a clause not included in this amendment, which seems for a purpose to be omitted, and that is the words "upon making due proof of the facts according to such rules and regulations as the Secretary of the Interior may provide."

The rules and regulations are made in part by this order No. 78, as the Secretary had and as it was his duty to make them under the existing law. The amendment proposed, if adopted, would change the existing law by omitting that rule provided by the Secretary of the Interior as to how disability should be established.

There is nothing in this statute that provides whether a man shall have \$6 a month or \$7 a month or \$8 a month or nine or ten or eleven or twelve, except as the rules and regulations are prescribed by the Secretary of the Interior as to how the pensions shall be graded under the act. It was his duty to provide such regulations. Those have been provided in part by the general order known as "order No. 78," under this act, and for the purpose of carrying into effect the intent and purpose of the act.

Mr. UNDERWOOD. Mr. Chairman, I wish to state this: This is not an attempt to amend the law. It is only an attempt to make the pensioners prove their pensionable status under the law, but to meet the criticism of the gentleman from Illinois [Mr. FULLER], I will ask to amend the amendment that I have offered by adding after the word "proved" the words "under the law of June 27, 1890," which makes it conform to the law, and merely makes them prove it under the terms of that law. I am not trying to evade the law.

Mr. GILLET of Massachusetts. Will the gentleman from Alabama permit an inquiry?

Mr. UNDERWOOD. Yes.

Mr. GILLET of Massachusetts. Did the gentleman leave that out intentionally or accidentally?

Mr. UNDERWOOD. I did not leave it out intentionally; I had no desire to do that. My intention was to merely make them prove it under the law. If this is a proof of that, then you vindicate the President.

Mr. MANN. But he does not require vindication. We vindicated him last fall. [Laughter.]

Mr. UNDERWOOD. I know; but you stop any criticism from this side and vindicate his order and prove it is right; but if the law officer does not hold that proving the pensioner is 62 years of age puts him under this law, then you go back to the law of the land. I do not see where you can object to that, if you merely want to obey the laws of the country.

Mr. GROSVENOR. Mr. Chairman, it is enough to say this, that if this does not change existing law I can not see why it is offered. If it does it is not in order at this time.

The CHAIRMAN. It has been suggested by the gentleman from Alabama that it is simply a limitation on the appropriation. What has the gentleman to say as to that?

Mr. GROSVENOR. I withdraw the point of order so that we can get a vote on the matter and get along.

The CHAIRMAN. The gentleman withdraws his point of order, and the question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The Clerk then concluded the reading of the bill.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendments as additional sections.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as new sections:

"That from and after the passage of this act, all honorably discharged soldiers and sailors who served at least ninety days in the military or naval service of the United States during the war of the rebellion shall be entitled to receive a pension of \$12 per month, and that the army record of such soldiers or sailors shall be the only voucher necessary to entitle him to such pension. This act shall not be construed as an additional pension to any soldier or sailor now in receipt of a pension at the rate of \$12 per month.

"Sec. 2. That the widow of such soldier or sailor who was married prior to June 27, 1890, and who are without other means of support than their daily labor and an actual net income not exceeding \$250 per year, shall be entitled to receive a pension at \$12 per month."

Mr. VAN VOORHIS. Mr. Chairman, I make the point of order on that.

Mr. ROBINSON of Indiana. Mr. Chairman, I hope the gentleman will reserve his point of order.

Mr. VAN VOORHIS. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word. The amendment I have just proposed to the pension bill seems to be about the only means offered by the Republican majority of this House to get consideration for a service pension bill. It was not in order, of course, but if no point is made a change of existing law is permissible on an appropriation bill.

The amendment I offered unfortunately has been objected to by the chairman of the committee in charge of this bill, a Republican, and it seems we are to be denied that privilege even in this form of securing what for years has been asked for by the soldiers of the country. I was careful in the language of this proposed amendment to follow what may be said to represent the sentiments of the Grand Army committee, and the language of the amendment I offered was that embodied in a bill proposed by the chairman of the Appropriations Committee, my colleague from Indiana [Mr. HEMENWAY] early in the session of this Congress. To show that the objection of the gentleman in charge of the bill perhaps was not to its language or to the character of the legislation sought to be enacted, I have made this suggestion to show that the point of order made and sustained runs counter to the sentiments of the soldiers of the country as expressed in their convention. I desire to have read at the Clerk's desk a resolution which I send, which was passed by the Grand Army of the Republic in 1903 in their annual convention in California, just before the introduction of the bill which has been ruled out on the point of order.

The Clerk read as follows:

That the committee on pensions to be appointed for the ensuing year be, and they hereby are, directed to present to Congress for passage a bill which, while not disturbing the beneficent provisions of existing laws, shall provide that every survivor of the war of 1861-1865 who served for a period of ninety days and who was honorably discharged and has passed the age of 62 years shall be pensioned at the rate of \$12 a month, and that a pension of the same amount be paid to the worthy widow of such soldier when said widow was married to such soldier prior to the 27th day of June, 1890.

Mr. ROBINSON of Indiana. Mr. Chairman, it is too late to appeal to my good friend, the gentleman who has seen service in the civil war, the gentleman from Ohio, to not have this point of order made. It is too late to appeal to my friend from Massachusetts, who sought to inject some politics into this discussion, not to have the point of order made, but here is the Grand Army of the Republic asking you in national convention in 1903 for this legislation, and you friends of the soldier on the other side denying consideration to a bill that they want and a majority of this House are ready to vote for. We find ourselves in this attitude. The gentleman from Missouri [Mr. BENTON], a Confederate soldier, himself ready to vote for a service-pension bill, and a majority of us and the Grand Army wanting it. Bills have been introduced here by half a dozen Republican Members asking the relief that the Grand Army wants; asking for the relief to the soldiers that the soldiers in and out of the Grand Army want, and yet a Republican Congress so long has slept that the pigeonholes are the only receptacles of the bills introduced for this relief. If upon this record the gentleman can inject partisanship or political controversies into a debate upon the soldier question, I ask them to make the most of it. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, I had heard somewhere during the civil war our misguided friends in the South were driven to the expedient of enlisting some very young men for the purposes of their campaign, but I did not know they had gone quite down to the tender age which the gentleman from Missouri must have been when he went to war. If the gentleman from Missouri was an excellent soldier at that age he must have had a very light musket and fewer rounds of cartridges than many carried. But I learn he was a good Confederate soldier boy. Now, it shows the effort of the gentleman from Indiana. His proposition is purely and simply buncombe, and you might say "bunko" with almost equal propriety. He knows that the measure that he has suggested can not be put upon this pension bill. He knows it perfectly well, and he knows I can not prevent the point of order, and yet he appeals to me as though he would make some point against me. Let me tell the gentleman where he stands now, and he can not get behind so small a covering that the particular features of his body to which I shall not refer shall not be shown behind the screen.

Right now, within the last hour, we have had a pretty large vote, which, I am glad to say, was a solid vote of the Democratic side of this House, voting to condemn the placing upon the pension rolls of 28,000 soldiers, moving to strike out \$4,000,000, and then to turn around and offer a buncombe resolution

and appeal to us to pass it. We have come very close to the margin, my friend from Indiana, of a personal-pension bill for every soldier; and may I be permitted to say to the gentleman from Indiana, as he has raised the question of politics again, and I am not generally very much indisposed to a little tilt of that character, that there is not one law on the statute books that gives to a soldier a dollar of pension under any general law that was not put there by the practically unanimous vote of the Republican party against the practically unanimous opposition of the Democratic party in both Houses of Congress.

And yet the gentleman is here trying to get some glory or something, I do not know what, out of an amendment that he knows is illegal and in plain violation of the rules, and that he knows is the cheapest kind of buncombe. It is nothing more, it is nothing less, and he would not vote for it himself in a Democratic House, and he could not get fifty votes for it in a Democratic House.

And I may say further to the gentleman from Indiana [Mr. ROBINSON] when this order No. 78, which I say was wise and lawful, has worked out its ultimate effect and we can see what there is left, I will reintroduce, if I am living and in Congress, a service pension bill, as I have already done in the years gone by. And when that time comes, if the gentleman from Indiana [Mr. ROBINSON] is here—and I hope he will be—he will be found in solid organization against such service pension bill. Mr. Chairman, that is all I have to say about this provision.

Mr. ROBINSON of Indiana. Mr. Chairman, I wish to congratulate the gentleman from Ohio [Mr. GROSVENOR] upon his attitude toward the service-pension bill. I was sure that that was his attitude. I have no less reason than the gentleman has, if we go back to the time of the civil war, to be in favor of that kind of a bill myself, instead of lining up anybody against it. I can not see any reason why the gentleman from Ohio [Mr. GROSVENOR] should make a statement to the effect that in the future I might be against it.

Mr. GROSVENOR. We all go marching along in the columns of our party. The gentleman from Indiana [Mr. ROBINSON] is no better than the Democratic party, and I am no better, or not nearly as good as the Republican party, but I always like to get under aegis of its protecting wing.

On motion of Mr. VAN VOORHIS, the committee rose; and the Speaker having resumed the chair, Mr. GRAFF, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 17330, the pension appropriation bill, and had directed him to report the same back to the House with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; was read a third time.

Mr. VAN VOORHIS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was passed.

On motion of Mr. VAN VOORHIS, a motion to reconsider the last vote was laid on the table.

SECURITY OF TRAVEL UPON RAILROADS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18785, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent for the present consideration of a bill, which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any persons who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce: *Provided,* That no award of said medal shall be made to any person until sufficient evidence of his deserving shall have been furnished and placed on file, under such regulations as may be prescribed by the President of the United States.

Sec. 2. That the President of the United States be, and he is hereby, authorized to issue to any person to whom a medal of honor may be awarded under the provisions of this act a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States: *Provided,* That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued, a new ribbon shall be issued to such person without charge therefor.

Sec. 3. That the appropriations for the enforcement and execution of the provisions of the acts to promote the safety of employees and travelers upon railroads are hereby made available for carrying out the provisions of this act.

The committee amendment was read, as follows:

Amend the bill by striking out the word "person" in line 6 on page 1 and inserting in lieu thereof the word "persons."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

GROUNDS IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes.

Be it enacted, etc., That any conveyance heretofore or hereafter made by the mayor of St. Augustine, Fla., to the board of public instruction of St. John County, Fla., of that certain tract or parcel of ground situate in the said city of St. Augustine, Fla., known as the "old burnt hospital lot," heretofore conveyed by the United States Government to the mayor of St. Augustine, Fla., in trust for school purposes, be, and the same is hereby, authorized, ratified, and confirmed; and the title in and to said lot, upon such conveyance being made, shall vest the title to said ground in fee in the board of public instruction of St. John County, Fla., aforesaid. And the said board of public instruction of St. John County, Fla., is hereby authorized to sell and convey said lot of ground, and to use and appropriate the proceeds thereof in the erection and construction of a public school building in said city of St. Augustine, Fla.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Florida. Mr. Speaker, a formal amendment is necessary.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding the letter "s" to the word "St. John" wherever it occurs in the bill, so that it will read "St. Johns."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

On motion of Mr. DAVIS of Florida a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING INTERSTATE COMMERCE IN CERTAIN CASES.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 4072) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

Be it enacted, etc., That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory for delivery therein, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundary of such State or Territory, before and after delivery, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Sec. 2. That all corporations and persons engaged in interstate commerce shall, as to any shipment or transportation of fermented, distilled, or other intoxicating liquors or liquids, be subject to all laws and police regulations with reference to such liquors or liquids, or the shipment or the transportation thereof, of the State in which the place of destination is situated, and shall not be exempt therefrom by reason of such liquors or liquids being introduced therein in original packages or otherwise; but nothing in this act shall be construed to authorize a State to control or in any wise interfere with the transportation of liquors intended for shipment entirely through such a State and not intended for delivery therein.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. HEPBURN. Why, Mr. Speaker, I am surprised at the gentleman from Kentucky. I will ask now, Mr. Speaker, that this bill may be considered the special order on Tuesday next, to be a continuing special order subject to all matters of higher privilege.

Mr. SHERLEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Does it require unanimous consent?

The SPEAKER. The gentleman asks unanimous consent.

Mr. SHERLEY. I object.

RATE OF CERTAIN PENSIONERS.

Mr. CALDERHEAD. Mr. Speaker, I am directed by the committee to report the bill to the House, and ask that the report accompanying it be printed in the RECORD.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18681) fixing the rate of pension for persons eligible under the act of June 27, 1890, and acts amendatory thereof, who require the frequent and periodical or regular and constant aid and attendance of another person.

The SPEAKER. Is there objection to printing the report in the RECORD?

Mr. MADDOX. Mr. Speaker, what is the report on?

The SPEAKER. The gentleman from Kansas asks unanimous consent to print the report in the RECORD upon a bill which has been reported by the Committee on Invalid Pensions, and the Clerk will again report the title of the bill.

Mr. CALDERHEAD. I am not asking unanimous consent; this bill is general legislation, and is privileged. The request for unanimous consent is to print the report in the RECORD; that is all.

Mr. MADDOX. I wanted to find out what it was. I do not know that I would have any objection, but I would like to know what it is.

The SPEAKER. The title will be again reported.

The title was again reported.

The SPEAKER. Is there objection to printing the report in the RECORD? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 18681) fixing the rate of pension for persons eligible under section 2 of the act of June 27, 1890, who require constant care and attendance, beg leave to submit the following report and recommend that said bill do pass with amendments.

The bill reads as follows:

"That all persons who are eligible for pensions at the rate of \$12 per month under section 2 of the act of June 27, 1890, relating to pensions, and acts amendatory thereof, who are or may hereafter become disabled by blindness, paralysis, or any other disability for manual labor, not the result of their own vicious habits, in such a degree as to require the frequent and periodical or regular and constant aid and attendance of another person, and who are or may be without an actual net income in excess of \$100 per year, exclusive of any pension and exclusive of any real property occupied as a homestead, shall be entitled to a pension at the rate of \$30 per month from the date of application therefor, after the passage of this act, upon proof that the disability then existed."

This bill was favorably reported from this committee by a unanimous report in the second session Fifty-sixth Congress. It was also, by unanimous action of the committee, reported as an amendment to S. 4850 in the Fifty-seventh Congress and passed the House, but was stricken out in conference. It is again reported now by the unanimous vote of this committee in the hope that it will meet the approval of both the House and the Senate and become a law.

The purpose of the act is so manifest that it does not require explanation. It is intended to fix a rate of pensions for the class of men eligible to pension under the act of June 27, 1890, who are so disabled that they would be entitled to pensions at the rate of \$50 or \$72 under the general law if they could establish the fact that their disabilities are of service origin.

The act of June 27, 1890, was passed to give relief to such as could not prove the origin of their disabilities in the service or whose disabilities may have been incurred since their discharge, but it only gives \$12 per month for total disability to earn a support by manual labor.

In the cases where the disability is total blindness or paralysis, or other disability so great as to require the frequent and periodical attendance of other persons, the sum of \$12 is not sufficient for necessary humane care.

It is these cases that come to Congress for relief by special acts.

In every Congress a large number of private bills are introduced, and when members are asked to select the cases of greatest distress and merit they select and give the preference to those who are totally blind or paralyzed or in a condition of disability from disease which requires the frequent aid and attendance of another person.

The members of this committee, some of whom have served three or four terms of Congress on this committee, have observed that nearly one-half of all the bills that are favorably reported from the committee are cases of this kind, and it has become the practice of both the Senate and House committees to report and pass these bills at the rate of \$30 per month.

The experience of the committee is that nearly all the cases of this class that are presented are of real merit and are cases in which existing laws do not provide the relief which a sense of justice and humanity compels us to recognize. The large number of cases which can not be reached and considered by Congress, for want of time, justifies us in this attempt to provide relief by a general law.

The Pension Bureau can not enlarge the existing statutes, but must follow the requirements of the laws which were made, some of them, forty years ago, and these claimants can not now prove sufficiently the origin of their disabilities in the service. The conditions of total blindness, paralysis, and other total disabilities have overtaken them in their old age, and they are without means to secure the aid and attendance necessary. They can only obtain \$12 per month under the act of June 27, 1890.

The rate fixed in the bill, \$30 per month, seems to be reasonable for these cases. It will also establish uniformity of rate for these cases, which can not be reached any other way.

The committee are unanimous in support of the bill, and believe it will relieve Congress of nearly one-half of the cases now presented at every session for private bills.

The committee also believe that this measure will commend itself, and will meet the approval of a generous nation, and report the bill back with the recommendation that it pass.

PROHIBITING INTERSTATE TRANSPORTATION OF INSECT PESTS.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 18754) to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose.

Be it enacted, etc., That no railroad, steamboat, express, stage, or other transportation company shall transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid.

SEC. 2. That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of adding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in this act shall authorize any person to open any letter or sealed matter of the first class not addressed to himself.

SEC. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections 1 and 2 of this act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections 1 and 2 of this act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General.

SEC. 4. That any person, company, or corporation who shall knowingly violate the provisions of section 1 of this act shall, for each offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

The SPEAKER. Is there objection?

Mr. MADDOX. I reserve the right to object until the gentleman explains this bill.

Mr. HASKINS. Mr. Speaker, this is recommended by the Secretary of Agriculture, and I yield to the gentleman from Massachusetts [Mr. LOVERING] to explain the necessities of the bill.

Mr. LOVERING. Mr. Speaker, it has come to the notice of the Secretary of Agriculture that threats have been made and attempts have been made to spread pests of the sort described in this bill from one State to another. It was found upon proof or ascertainment of an individual doing this that there was no law to prosecute, convict, and punish him for what is really a dastardly crime. It is therefore thought best by the Secretary of Agriculture that a bill should be introduced and passed through Congress and this bill was prepared in the Department of Agriculture.

Mr. MADDOX. Is the bill prepared by the Secretary of Agriculture?

Mr. LOVERING. It is prepared at his instance by the counsel for the Department.

Mr. MADDOX. What committee reports the bill?

Mr. LOVERING. The Committee on Agriculture.

Mr. MADDOX. Is the report unanimous?

Mr. HASKINS. The report is unanimous.

Mr. MADDOX. Does this include the boll weevil?

Mr. LOVERING. Yes; it includes everything that is a pest or destructive to crops.

Mr. FINLEY. If the gentleman will permit me, I will state that I think there is a necessity for this bill. I know that the boll weevil in at least one instance has been brought from Texas to South Carolina. The only time I ever saw the boll weevil was when a friend of mine, coming from Texas to South Carolina, brought several of them in a small bottle or vial. When I informed him I thought it was a serious matter he threw the bottle containing the boll weevils into the stove and destroyed them at my solicitation.

Mr. MANN. Would this affect the right of a person to send one of these insect pests from one of the States to the Department of Agriculture in order to have it identified?

Mr. LOVERING. That is especially provided for, if it is done for scientific purposes.

Mr. MANN. It might not be done for scientific purposes.

Mr. LOVERING. That would be considered a scientific purpose.

Mr. MANN. Where a man sent a pest from his own farm, something like the black rot of cabbage?

Mr. LOVERING. Why should he send it?

Mr. MANN. To find out what it is.

Mr. LOVERING. Exactly, and that is for a scientific purpose.

Mr. MANN. I do not know whether it would be considered a scientific purpose or not.

Mr. LOVERING. The bill is intended to cover that, and there is no doubt that it does provide for the sending of specimens for just such purposes as that.

Mr. PAYNE. Would the bill prevent the importing of the boll weevil from Mexico or any other foreign country?

Mr. LOVERING. It would make it a criminal offense, as I understand it, for anyone to import it.

Mr. PAYNE. As I understood it, the prohibition was against carrying it from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia. It seems to me there is quite a wide loophole, because I understand this pest exists in Mexico and that, in fact, it came from Mexico to Texas.

Mr. LOVERING. I have an impression that we shall compass the object desired by passing this bill. That is, we shall shut out that pest from being carried into the different cotton States. The same thing applies to the gypsy moth in Massachusetts and the northern States.

Mr. PAYNE. It seems to me it is rather defective in the particular I have pointed out.

Mr. FITZGERALD. Are these penalties imposed only when the sending is done knowingly?

Mr. LOVERING. When a person is convicted.

Mr. FITZGERALD. Must it be shown that they sent the insect with knowledge?

Mr. LOVERING. Yes; they have to be convicted of a criminal purpose. The bill provides that very clearly.

Mr. FITZGERALD. That does not answer my question. Must the person send these things knowingly before he can be convicted of the criminal offense?

Mr. GRAFF. In both sections where the penalty is imposed the bill uses the words "shall knowingly."

Mr. FITZGERALD. I did not know whether it provided that or not.

Mr. GRAFF. Yes; it does.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HASKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6507. An act granting an increase of pension to James J. Champlin;

H. R. 3080. An act granting an increase of pension to David P. Foster;

H. R. 2114. An act granting an increase of pension to William McCloud;

H. R. 1263. An act granting an increase of pension to David Phillips;

H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;

H. R. 4461. An act granting an increase of pension to Frederick Baker;

H. R. 3427. An act granting an increase of pension to Albert Fetterhoff;

H. R. 3273. An act granting an increase of pension to William E. Hill;

H. R. 5205. An act granting an increase of pension to Francis Wilson;

H. R. 5265. An act granting an increase of pension to Sara A. Haskell;

H. R. 7609. An act granting an increase of pension to Mary A. Ryan;

H. R. 7378. An act granting an increase of pension to Israel Purdy;

H. R. 7330. An act granting an increase of pension to John C. Besier;

H. R. 7097. An act granting an increase of pension to John White;

H. R. 7014. An act granting an increase of pension to James J. Boyd;

H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;

H. R. 15776. An act granting an increase of pension to Harrison Ball;

H. R. 15775. An act granting an increase of pension to Daniel W. Smith;

H. R. 15787. An act granting an increase of pension to Thordike P. Heath;

H. R. 6702. An act granting an increase of pension to James Slater;

H. R. 13188. An act granting an increase of pension to Charles H. Dunihue;

H. R. 13324. An act granting an increase of pension to John Kesler;

H. R. 5876. An act granting an increase of pension to Elijah S. Carleton;

H. R. 5887. An act granting an increase of pension to William H. Swinney;

H. R. 5113. An act granting an increase of pension to Almon W. Gould;

H. R. 5995. An act granting an increase of pension to Joseph Fulton;

H. R. 5284. An act granting an increase of pension to John Maupin;

H. R. 15768. An act granting an increase of pension to R. Howard Wallace;

H. R. 15769. An act granting an increase of pension to Henry Peoples;

H. R. 7761. An act granting an increase of pension to Quintus Hummel;

H. R. 7760. An act granting an increase of pension to Sarah A. Pierce;

H. R. 15466. An act granting an increase of pension to Isaac B. Snively;

H. R. 15497. An act granting an increase of pension to Patrick H. Oliver;

H. R. 15504. An act granting an increase of pension to Ellen Tuite;

H. R. 15520. An act granting an increase of pension to William P. Dunnington;

H. R. 15529. An act granting an increase of pension to James M. Elkinton;

H. R. 15558. An act granting an increase of pension to Edwin R. Manson;

H. R. 15575. An act granting an increase of pension to Jones Adler;

H. R. 15617. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 15631. An act granting an increase of pension to John Brooks;

H. R. 13105. An act granting an increase of pension to William F. Gaut;

H. R. 15632. An act granting an increase of pension to Barney Carroll;

H. R. 14909. An act granting an increase of pension to Albert E. Barnes;

H. R. 15004. An act granting an increase of pension to William N. Meacham;

H. R. 15169. An act granting an increase of pension to Loretta V. Biggs;

H. R. 15240. An act granting an increase of pension to James C. Baker;

H. R. 15252. An act granting an increase of pension to Maria Edmundson;

H. R. 15293. An act granting an increase of pension to John P. Davis;

H. R. 15324. An act granting an increase of pension to Joseph W. Winger;

H. R. 15406. An act granting an increase of pension to George W. Carpenter;

H. R. 15411. An act granting an increase of pension to Isalah Garretson;

H. R. 15415. An act granting an increase of pension to Jonas H. Upton;

H. R. 15431. An act granting an increase of pension to Andrew Pinney;

- H. R. 11020. An act granting an increase of pension to Henry W. Hurlbut;
- H. R. 13260. An act granting an increase of pension to William Starks;
- H. R. 14600. An act granting an increase of pension to Joseph Woods;
- H. R. 14680. An act granting an increase of pension to Monroe Chapin;
- H. R. 14695. An act granting an increase of pension to Francis D. Lewis;
- H. R. 15044. An act granting an increase of pension to Nahr-vista G. Heard;
- H. R. 15079. An act granting an increase of pension to Constantine J. McLaughlin;
- H. R. 15043. An act granting an increase of pension to James R. Ferson;
- H. R. 15019. An act granting an increase of pension to John H. Elston;
- H. R. 14798. An act granting an increase of pension to Lusera Allen;
- H. R. 14908. An act granting an increase of pension to Henry Leib;
- H. R. 10206. An act granting an increase of pension to Benjamin F. Minnick;
- H. R. 10950. An act granting an increase of pension to William Clark;
- H. R. 9271. An act granting an increase of pension to William Dyas;
- H. R. 8395. An act granting an increase of pension to James Duffy;
- H. R. 10181. An act granting an increase of pension to Andrew Hall;
- H. R. 10387. An act granting an increase of pension to Aaron C. Perry;
- H. R. 11055. An act granting an increase of pension to Win-field S. Russell;
- H. R. 9140. An act granting an increase of pension to James L. Capp;
- H. R. 8392. An act granting an increase of pension to Eli B. Helm;
- H. R. 9769. An act granting an increase of pension to Joseph Pershing;
- H. R. 10353. An act granting an increase of pension to Henry S. Riggs;
- H. R. 13877. An act granting an increase of pension to Frederick Lilje;
- H. R. 14028. An act granting an increase of pension to Carrie E. Risley;
- H. R. 14444. An act granting an increase of pension to William A. Stovall;
- H. R. 9065. An act granting an increase of pension to Albert Z. Norton;
- H. R. 8208. An act granting an increase of pension to Bur-leigh C. D. Read;
- H. R. 9550. An act granting an increase of pension to Wil-liam Butler;
- H. R. 10342. An act granting an increase of pension to Wil-liam W. Marple;
- H. R. 11018. An act granting an increase of pension to Wil-liam B. Bruner;
- H. R. 8839. An act granting an increase of pension to Thomas M. Hicks;
- H. R. 8077. An act granting an increase of pension to John McFarlane;
- H. R. 9335. An act granting an increase of pension to Joseph N. Croak;
- H. R. 14108. An act granting an increase of pension to Timothy L. Taylor;
- H. R. 14495. An act granting an increase of pension to Jack-son Adams;
- H. R. 10691. An act granting an increase of pension to James W. Hilyard;
- H. R. 11312. An act granting an increase of pension to Malana W. Brant;
- H. R. 11490. An act granting an increase of pension to Albert Jones;
- H. R. 11855. An act granting an increase of pension to John Cross;
- H. R. 12090. An act granting an increase of pension to Wil-liam R. Clark;
- H. R. 12488. An act granting an increase of pension to George H. Coddington;
- H. R. 12820. An act granting an increase of pension to Isa-bella Bryson;
- H. R. 13419. An act granting an increase of pension to George Weeks;
- H. R. 13260. An act granting an increase of pension to Wil-liam Starks;
- H. R. 14255. An act granting an increase of pension to Mar-garet H. Bates;
- H. R. 10948. An act granting an increase of pension to John N. Matthews;
- H. R. 11399. An act granting an increase of pension to James Sleeth;
- H. R. 11599. An act granting an increase of pension to Albert S. Granger;
- H. R. 11859. An act granting an increase of pension to De-borah H. Bliss;
- H. R. 12171. An act granting an increase of pension to John Davis;
- H. R. 12601. An act granting an increase of pension to Francis M. Prill;
- H. R. 13007. An act granting an increase of pension to Fred-erick B. Schnebly;
- H. R. 13546. An act granting an increase of pension to Joel J. Addison;
- H. R. 13324. An act granting an increase of pension to John Kesler;
- H. R. 13887. An act granting an increase of pension to Jacob Steffes;
- H. R. 14219. An act granting an increase of pension to Earl J. Lamson;
- H. R. 10628. An act granting an increase of pension to Mar-garet B. Rapp;
- H. R. 11303. An act granting an increase of pension to Robert Balsking;
- H. R. 11494. An act granting an increase of pension to Sarah Jane Grissom;
- H. R. 11847. An act granting an increase of pension to James B. Croly;
- H. R. 12079. An act granting an increase of pension to Mary L. G. Mew;
- H. R. 12255. An act granting an increase of pension to Ben-jamin F. Gudgey;
- H. R. 12795. An act granting an increase of pension to John L. Lee;
- H. R. 13377. An act granting an increase of pension to Albert R. Straub;
- H. R. 13188. An act granting an increase of pension to Charles H. Dunihue;
- H. R. 13656. An act granting an increase of pension to Mary W. Martin;
- H. R. 13969. An act granting an increase of pension to Dora Smith;
- H. R. 10392. An act granting an increase of pension to Silas B. Irion;
- H. R. 11114. An act granting an increase of pension to Wil-liam D. Leek;
- H. R. 11465. An act granting an increase of pension to Fran-cis E. Rex;
- H. R. 11613. An act granting an increase of pension to Alex-ander H. Sockman;
- H. R. 12007. An act granting an increase of pension to Henry R. K. Lockman;
- H. R. 12252. An act granting an increase of pension to James Baremore, alias James Baker;
- H. R. 12660. An act granting an increase of pension to Mar-garet Russell;
- H. R. 13330. An act granting an increase of pension to Mi-chael Kelly, alias Patrick Kelly;
- H. R. 13105. An act granting an increase of pension to Wil-liam F. Gaut;
- H. R. 13547. An act granting an increase of pension to Lewis J. Parr;
- H. R. 13955. An act granting an increase of pension to Elijah G. Wood;
- H. R. 15857. An act granting an increase of pension to David Galbreath;
- H. R. 15848. An act granting an increase of pension to John Reninger;
- H. R. 15838. An act granting an increase of pension to Mary F. Fuller;
- H. R. 15874. An act granting an increase of pension to John Kingdon;
- H. R. 15869. An act granting an increase of pension to Ben-jamin H. Scrivens;
- H. R. 15866. An act granting an increase of pension to Ben-jamin F. Hopkins;
- H. R. 15865. An act granting an increase of pension to William H. McClellan;
- H. R. 15835. An act granting an increase of pension to James M. Walker;

- H. R. 15823. An act granting an increase of pension to James M. Liddil;
H. R. 15822. An act granting an increase of pension to Oliver P. Beckmon;
H. R. 15788. An act granting an increase of pension to Silas W. Bullock;
H. R. 17672. An act granting an increase of pension to Oliver C. Cleveland;
H. R. 17660. An act granting an increase of pension to James H. Wasson;
H. R. 17653. An act granting an increase of pension to Hezekiah H. Sherman;
H. R. 17605. An act granting an increase of pension to Joseph B. Scott.
H. R. 17595. An act granting an increase of pension to Catherine A. Hogan;
H. R. 17558. An act granting an increase of pension to Sarah A. Morrison;
H. R. 17390. An act granting an increase of pension to Samuel Sunderland;
H. R. 17374. An act granting an increase of pension to Georgia A. Harlow;
H. R. 17361. An act granting an increase of pension to Samuel H. Renfro;
H. R. 17325. An act granting an increase of pension to Albert H. Noble;
H. R. 15863. An act granting an increase of pension to Mark Wilde;
H. R. 17403. An act granting an increase of pension to Horace Winslow;
H. R. 17443. An act granting an increase of pension to Oscar Hinkley;
H. R. 17543. An act granting an increase of pension to Lafayette Brashear;
H. R. 17537. An act granting an increase of pension to Theodore Titus;
H. R. 17464. An act granting an increase of pension to Nancy J. Nelson;
H. R. 17452. An act granting an increase of pension to Franklin Savage;
H. R. 17771. An act granting an increase of pension to Jerome B. Nulton;
H. R. 17755. An act granting an increase of pension to Davis D. Osterhoudt;
H. R. 17731. An act granting an increase of pension to William Stewart;
H. R. 17770. An act granting an increase of pension to Matilda D. Clark;
H. R. 17677. An act granting an increase of pension to James Hudson;
H. R. 16748. An act granting a pension to Frona J. Wooten;
H. R. 16625. An act granting a pension to Laura A. Baughey;
H. R. 16540. An act granting a pension to Annie B. Orr;
H. R. 17261. An act granting a pension to Mary A. Gibson;
H. R. 17151. An act granting a pension to Avery Dalton;
H. R. 16932. An act granting a pension to Louisa E. Cummings;
H. R. 16849. An act granting a pension to Edward H. Holden;
H. R. 17635. An act granting a pension to John Burke;
H. R. 17274. An act granting a pension to Louis A. Lavalley;
H. R. 17437. An act granting an increase of pension to Albert H. Glassmire;
H. R. 17434. An act granting an increase of pension to Samuel H. Draper;
H. R. 15328. An act granting a pension to William H. H. Simpkins;
H. R. 15239. An act granting a pension to Isabella Burke;
H. R. 15655. An act granting a pension to Mattie M. Bond;
H. R. 15640. An act granting a pension to William E. Quirk;
H. R. 15639. An act granting a pension to Mollie Townsley;
H. R. 15097. An act granting a pension to William H. Miller;
H. R. 16472. An act granting a pension to Frances A. McQuiston;
H. R. 16471. An act granting a pension to Martha C. Watkins;
H. R. 16384. An act granting a pension to Thomas Poag;
H. R. 15891. An act granting a pension to Harriett Stanley;
H. R. 16749. An act granting a pension to George W. Cowan;
H. R. 9410. An act granting a pension to Rosa Miller;
H. R. 10027. An act granting a pension to Green W. Hodge;
H. R. 15199. An act granting a pension to Mary J. Lansing, formerly Mary J. Abbott;
H. R. 14305. An act granting a pension to Walter Gardner;
H. R. 13332. An act granting a pension to Honora Sullivan;
H. R. 12341. An act granting a pension to John Stilts;
H. R. 15082. An act granting a pension to James C. Albritton;
H. R. 14485. An act granting a pension to Charlotte M. Wylie;
H. R. 14406. An act granting a pension to Paul W. Thompson;
H. R. 15335. An act granting a pension to John Crotty;
H. R. 15491. An act granting a pension to Theresa M. Kennedy;
H. R. 17060. An act granting an increase of pension to Daniel H. Hastings;
H. R. 8423. An act granting a pension to Joseph Hepworth;
H. R. 3426. An act granting a pension to George W. Graig;
H. R. 6663. An act granting a pension to Mahala Alexander;
H. R. 7252. An act granting a pension to James M. Garrett;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 8477. An act granting a pension to John W. Guest;
H. R. 8476. An act granting a pension to Rolen J. Southerland;
H. R. 12155. An act granting a pension to Nancy Hill;
H. R. 10096. An act granting a pension to Louise E. Lavey;
H. R. 17891. An act granting an increase of pension to Robert M. Alexander;
H. R. 17849. An act granting an increase of pension to James Freeman;
H. R. 17773. An act granting an increase of pension to William Hubbs;
H. R. 18003. An act granting an increase of pension to Alfred Rowan;
H. R. 18002. An act granting an increase of pension to Isaac Williams;
H. R. 17977. An act granting an increase of pension to William Barnhard;
H. R. 17917. An act granting an increase of pension to Lewis Hammack;
H. R. 18268. An act granting an increase of pension to Annie Crawford;
H. R. 18144. An act granting an increase of pension to William Stout;
H. R. 18095. An act granting an increase of pension to Charlotte F. Russell;
H. R. 18031. An act granting an increase of pension to John Tipton;
H. R. 17119. An act granting an increase of pension to Lewis Hitt;
H. R. 17092. An act granting an increase of pension to John Jeffers;
H. R. 17275. An act granting an increase of pension to Carmen Frazee;
H. R. 17272. An act granting an increase of pension to Chauncey L. Guilford;
H. R. 17262. An act granting an increase of pension to Jennie N. Jones;
H. R. 17244. An act granting an increase of pension to John Winemiller;
H. R. 17311. An act granting an increase of pension to Adam W. Grassley;
H. R. 17300. An act granting an increase of pension to Charles H. Penoyer;
H. R. 17297. An act granting an increase of pension to Joseph C. Prosser;
H. R. 17290. An act granting an increase of pension to John W. Grove;
H. R. 17900. An act granting an increase of pension to Edward M. Mobley;
H. R. 17164. An act granting an increase of pension to Solomon Carpenter;
H. R. 17162. An act granting an increase of pension to Thomas Dukes;
H. R. 17161. An act granting an increase of pension to Claiborne J. Walton;
H. R. 17139. An act granting an increase of pension to George W. Jennings;
H. R. 17147. An act granting an increase of pension to James A. Gossett;
H. R. 17240. An act granting an increase of pension to Luther Kaltenbach;
H. R. 17232. An act granting an increase of pension to Martha McAfee;
H. R. 17222. An act granting an increase of pension to William G. Mullen;
H. R. 17236. An act granting an increase of pension to Sarah B. Hirl;
H. R. 17131. An act granting an increase of pension to James W. Cross;
H. R. 17126. An act granting an increase of pension to Caroline Jennings;

- H. R. 16876. An act granting an increase of pension to Samuel Nicholas;
 H. R. 16834. An act granting an increase of pension to Thomas Harris;
 H. R. 16774. An act granting an increase of pension to John J. James;
 H. R. 16879. An act granting an increase of pension to William H. Brown;
 H. R. 16842. An act granting an increase of pension to Lydia P. Kelly;
 H. R. 16813. An act granting an increase of pension to Laura A. Hinkley;
 H. R. 16861. An act granting an increase of pension to Mary L. Walker;
 H. R. 16815. An act granting an increase of pension to Michael L. Essick;
 H. R. 16745. An act granting an increase of pension to John W. Davis;
 H. R. 17201. An act granting an increase of pension to Henry Lorch;
 H. R. 17197. An act granting an increase of pension to James Mitchell;
 H. R. 16946. An act granting an increase of pension to William Huddleson;
 H. R. 17084. An act granting an increase of pension to Alonzo P. Spooner;
 H. R. 16953. An act granting an increase of pension to John Ryan;
 H. R. 16968. An act granting an increase of pension to John H. Ladd;
 H. R. 17017. An act granting an increase of pension to Joseph S. Thompson;
 H. R. 16962. An act granting an increase of pension to James J. Creigh;
 H. R. 16920. An act granting an increase of pension to Stillwell Truax;
 H. R. 16896. An act granting an increase of pension to Thomas Reynolds;
 H. R. 16874. An act granting an increase of pension to Reuben Terry;
 H. R. 16828. An act granting an increase of pension to James Spaulding;
 H. R. 16746. An act granting an increase of pension to James J. Summers;
 H. R. 15924. An act granting an increase of pension to William Shadrick;
 H. R. 15946. An act granting an increase of pension to Oliver Marcus Bump;
 H. R. 15968. An act granting an increase of pension to James L. Hodges;
 H. R. 16099. An act granting an increase of pension to Lafayette Boutwell;
 H. R. 16123. An act granting an increase of pension to William Smith;
 H. R. 17035. An act granting an increase of pension to William H. Miles;
 H. R. 17046. An act granting an increase of pension to Hartvig Engbretson;
 H. R. 17085. An act granting an increase of pension to William S. Stanley;
 H. R. 17068. An act granting an increase of pension to James A. Coll;
 H. R. 16929. An act granting an increase of pension to John Moore;
 H. R. 17073. An act granting an increase of pension to Francis M. Shewmaker;
 H. R. 15746. An act granting an increase of pension to Israel Roll;
 H. R. 15888. An act granting an increase of pension to James E. Andrews;
 H. R. 15922. An act granting an increase of pension to William J. Cheney;
 H. R. 15941. An act granting an increase of pension to Israel V. Hoag;
 H. R. 15962. An act granting an increase of pension to Charles T. Beals;
 H. R. 16072. An act granting an increase of pension to Albert H. Barry;
 H. R. 16121. An act granting an increase of pension to Edward Root;
 H. R. 15657. An act granting an increase of pension to William Tawney;
 H. R. 15729. An act granting an increase of pension to Phaon Hartman;
 H. R. 15747. An act granting an increase of pension to Henry A. Wesson;
 H. R. 15903. An act granting an increase of pension to George T. Barker;
 H. R. 15637. An act granting an increase of pension to William A. Smith;
 H. R. 15719. An act granting an increase of pension to Harriet N. Jones;
 H. R. 15741. An act granting an increase of pension to John S. Duncan;
 H. R. 15887. An act granting an increase of pension to George F. Ludwig;
 H. R. 15919. An act granting an increase of pension to Joseph Flike;
 H. R. 15929. An act granting an increase of pension to Anna E. Brown;
 H. R. 15954. An act granting an increase of pension to Ira D. McClary;
 H. R. 16054. An act granting an increase of pension to Patrick O'Brien;
 H. R. 16105. An act granting an increase of pension to Cyrus B. Allen;
 H. R. 15645. An act granting an increase of pension to Samuel B. Clark;
 H. R. 15728. An act granting an increase of pension to Waldron C. Townsend;
 H. R. 15669. An act granting an increase of pension to Matthew C. Danforth;
 H. R. 15685. An act granting an increase of pension to Elizabeth Krehbiel;
 H. R. 15633. An act granting an increase of pension to Henry King;
 H. R. 15710. An act granting an increase of pension to Luther W. Cannon;
 H. R. 15730. An act granting an increase of pension to Benjamin F. Shireman;
 H. R. 15886. An act granting an increase of pension to William S. Radcliffe;
 H. R. 15918. An act granting an increase of pension to Thomas Cullen;
 H. R. 15927. An act granting an increase of pension to Freeman C. Witherby;
 H. R. 15947. An act granting an increase of pension to Philander S. Wright;
 H. R. 16046. An act granting an increase of pension to Frederick Lahrmann;
 H. R. 16104. An act granting an increase of pension to Thomas Lanning;
 H. R. 16177. An act granting an increase of pension to Elisha C. Davidson;
 H. R. 16216. An act granting an increase of pension to Philo G. Tuttle;
 H. R. 16165. An act granting an increase of pension to Francis L. Howard;
 H. R. 16167. An act granting an increase of pension to Edward J. Dillon;
 H. R. 16166. An act granting an increase of pension to Charles P. Morrison;
 H. R. 16175. An act granting an increase of pension to Merrick D. Frost;
 H. R. 16140. An act granting an increase of pension to Nelson A. Fitts;
 H. R. 16132. An act granting an increase of pension to Mary A. Seele;
 H. R. 16162. An act granting an increase of pension to Charles Müller;
 H. R. 16149. An act granting an increase of pension to Thomas J. Moore;
 H. R. 15661. An act granting an increase of pension to Malden Valentine;
 H. R. 16325. An act granting an increase of pension to Jonas Myers;
 H. R. 16232. An act granting an increase of pension to Charles V. Jenkins;
 H. R. 16234. An act granting an increase of pension to Benjamin H. Hartman;
 H. R. 16239. An act granting an increase of pension to Mary K. Roane;
 H. R. 16254. An act granting an increase of pension to Lydia R. Howard;
 H. R. 16312. An act granting an increase of pension to Alpheus Townsend;
 H. R. 16324. An act granting an increase of pension to Richard Rollings;

H. R. 16310. An act granting an increase of pension to Hugh McKenzie, alias James A. Trainer;
 H. R. 16308. An act granting an increase of pension to Webster Eaton;
 H. R. 16226. An act granting an increase of pension to William W. Smith;
 H. R. 16215. An act granting an increase of pension to Fitz Allen Gourley;
 H. R. 4385. An act granting an increase of pension to Thomas Thompson;
 H. R. 16426. An act granting an increase of pension to Alexander Jones;
 H. R. 16395. An act granting an increase of pension to Josephine A. Smith;
 H. R. 16420. An act granting an increase of pension to William C. Travis;
 H. R. 16392. An act granting an increase of pension to John Tusing;
 H. R. 16419. An act granting an increase of pension to F. A. William Weaver;
 H. R. 16370. An act granting an increase of pension to Henry H. Wright;
 H. R. 16385. An act granting an increase of pension to Edwin Vincent;
 H. R. 16386. An act granting an increase of pension to Bryan Dunbar;
 H. R. 16335. An act granting an increase of pension to Frank C. Culley;
 H. R. 16364. An act granting an increase of pension to Gustav Tafel;
 H. R. 16444. An act granting an increase of pension to Henry C. Snyder;
 H. R. 16455. An act granting an increase of pension to Elizabeth M. Ketcham;
 H. R. 16457. An act granting an increase of pension to Herbert S. Nelson;
 H. R. 16473. An act granting an increase of pension to John R. Karns;
 H. R. 16488. An act granting an increase of pension to Daniel Reagan;
 H. R. 16474. An act granting an increase of pension to Oliver McFadden;
 H. R. 16499. An act granting an increase of pension to Green Yeiser;
 H. R. 16424. An act granting an increase of pension to Charles M. Fay;
 H. R. 16427. An act granting an increase of pension to Alfred D. Launder;
 H. R. 16443. An act granting an increase of pension to Johanna J. Naughton;
 H. R. 8983. An act granting an increase of pension to Jonathan R. Cox;
 H. R. 16578. An act granting an increase of pension to Caroline Vifquain;
 H. R. 16579. An act granting an increase of pension to Isaac Vanatta;
 H. R. 16573. An act granting an increase of pension to Jonathan Wiggins;
 H. R. 16551. An act granting an increase of pension to William Morris;
 H. R. 16526. An act granting an increase of pension to John H. Caton;
 H. R. 16525. An act granting an increase of pension to Henry A. Glenn;
 H. R. 16544. An act granting an increase of pension to Varner G. Root;
 H. R. 16524. An act granting an increase of pension to Nancy B. Stratton;
 H. R. 16503. An act granting an increase of pension to Dillon Asher;
 H. R. 16501. An act granting an increase of pension to George Jagers;
 H. R. 16390. An act granting an increase of pension to Mortimer C. Briggs;
 H. R. 16619. An act granting an increase of pension to George Meisner;
 H. R. 16617. An act granting an increase of pension to Jacob Bowers;
 H. R. 16618. An act granting an increase of pension to Alfred N. Brown;
 H. R. 16613. An act granting an increase of pension to Cornelia J. Schoonover;
 H. R. 16614. An act granting an increase of pension to Jacob Repsher;

H. R. 16598. An act granting an increase of pension to John Bryan;
 H. R. 16603. An act granting an increase of pension to George S. Williams;
 H. R. 16589. An act granting an increase of pension to Martha Peck;
 H. R. 16581. An act granting an increase of pension to Eli Dabler;
 H. R. 16574. An act granting an increase of pension to Leonard C. Davis;
 H. R. 16575. An act granting an increase of pension to John E. Hurley;
 H. R. 16502. An act granting an increase of pension to Henry Raeder;
 H. R. 16685. An act granting an increase of pension to Isalah M. Adams;
 H. R. 16687. An act granting an increase of pension to M. Helen Orchard;
 H. R. 16730. An act granting an increase of pension to Daniel Smith;
 H. R. 16740. An act granting an increase of pension to Laura Coleman;
 H. R. 16731. An act granting an increase of pension to Wallace W. Hicks;
 H. R. 16701. An act granting an increase of pension to Emanuel F. Brown;
 H. R. 16707. An act granting an increase of pension to John Bechman;
 H. R. 16702. An act granting an increase of pension to John A. Cairnes;
 H. R. 16668. An act granting an increase of pension to Emile H. Brie, alias Amede Brea;
 H. R. 16684. An act granting an increase of pension to Lena Loeser;
 H. R. 16654. An act granting an increase of pension to Isaac C. Buswell;
 H. R. 16620. An act granting an increase of pension to Alonzo Ackerman; and
 H. R. 16663. An act granting an increase of pension to Henry Newcomer.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6017. An act for the relief of certain homestead settlers in the State of Alabama; and

S. 4609. An act to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C.

JUDICIAL DISTRICTS IN OREGON.

Mr. GILLET of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 285) to divide the State of Oregon into two judicial districts.

The bill was read, as follows:

Be it enacted, etc., That section 531 of the Revised Statutes is hereby amended by striking therefrom the word "Oregon."

SEC. 2. That the State of Oregon is hereby divided into two judicial districts, which shall be called the eastern and western judicial districts of the State of Oregon. The eastern district shall include the counties of Baker, Malheur, Harney, Grant, Union, Walla, Umatilla, Morrow, Sherman, Gilliam, Crook, Wheeler, and Lake, with the waters thereof. The western district shall include the residue of said State of Oregon with the waters thereof.

SEC. 3. That the district judge of the judicial district of Oregon as heretofore and now constituted, and in office at the time this act takes effect, shall be the district judge for the western judicial district of Oregon as constituted by this act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Oregon as heretofore and now constituted, and in office at the time this act takes effect, shall be the clerks of the circuit and district courts of the western judicial district of Oregon, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy in said judicial district of Oregon as now constituted, shall continue as such officers, respectively, in said western judicial district, as constituted by this act, and shall continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Oregon, who shall possess and exercise all the powers conferred by existing law upon the judges of district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within said eastern judicial district as are now possessed by and performed by the district judge for the district of Oregon.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Oregon as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

SEC. 6. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and

all other officers authorized by law and made necessary by the creation of said two districts and the provisions of this act, and all the vacancies created thereby, if any, in either of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Oregon as heretofore and now constituted.

SEC. 7. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Oregon, as heretofore and now constituted, whereof the courts of the eastern judicial district of Oregon as hereby constituted would have had jurisdiction if said districts and the courts thereof had been constituted when such causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Oregon as hereby constituted; and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Oregon as heretofore constituted, whereof the courts of the western judicial district of Oregon as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Oregon as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Oregon as heretofore and now constituted in which the evidence has been taken, in whole or in part, before the present district judge of the judicial district of Oregon as heretofore constituted, or taken in whole or in part and submitted and passed upon by said district judge, shall be proceeded with and disposed of in said western judicial district of Oregon as constituted by this act.

SEC. 8. That the regular terms of the circuit and district courts of the United States for the western district of Oregon shall be held at the following times and place, namely: At the city of Portland, beginning on the second Monday in March and second Monday in October in each year. That the regular terms of the circuit and district courts of the United States for the eastern district of Oregon shall be held at the following times and place, namely: At Baker City, beginning on the second Monday in April and the second Monday in November in each year: *Provided*, That the terms of said courts shall not be limited to any particular number of days.

SEC. 9. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

SEC. 10. That all laws and parts of laws, so far as inconsistent with the provisions of this act, are hereby repealed.

SEC. 11. That this act shall take effect on the 1st day of May, 1905.

The SPEAKER. Is there objection?

Mr. McCLEARY of Minnesota. Reserving the right to object, I would like to hear some reason for this.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether this has the unanimous report of the Judiciary Committee?

Mr. GILLET of California. It has not. The gentleman from New Jersey [Mr. PARKER] has filed a minority report. The bill has passed the Senate and has been reported from the Judiciary Committee of the House. The report filed by the House committee contains the Senate report, which gives the reason or necessity for establishing a court in eastern Oregon. In the State of Washington a similar bill has passed this House, and I think the Senate, granting another district to the State of Washington. Oregon is a great State, fast developing, and in the eastern and southeastern part of the State it takes about a week to get to Portland, where the court is held.

It costs a large sum of money not only to the Government, but to private parties for witnesses, etc., to travel that great distance. It is because of the fact that the mountains are through the center of the State and the eastern and southeastern part is so cut off from where the court is now held that the people of that State feel that this is a great necessity.

Mr. PAYNE. Would not that objection be obviated by having a subdivision or two subdivisions of the court held there? We only have two Members of Congress from Oregon.

Mr. GILLET of California. I was requested to bring this matter up. The committee thought at the time it was presented by Senator FULTON, of Oregon, and Mr. WILLIAMSON, of the House, that sufficient reasons for it were given.

Mr. PAYNE. It seems as if one judge could do all the business if we had two subdivisions.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

The SPEAKER. The gentleman from Georgia objects.

BRIDGE ACROSS RAINY RIVER, MINNESOTA.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18751) to extend the

time for construction of the bridge across Rainy River by the International Bridge and Terminal Company.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

QUALIFICATIONS OF DIRECTORS OF NATIONAL BANKS.

Mr. BURKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7065) to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of national banking associations.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5146 of the Revised Statutes of the United States be so amended as to read as follows:

"Sec. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed \$25,000, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

Mr. BURKE. Mr. Speaker, I think it is fair to the House to state that the gentleman from Georgia [Mr. HOWARD] has stated that he will object to all requests to-night for unanimous consent.

Mr. HOWARD. Mr. Speaker, I desire to state that I am making these objections at the instance of the gentleman from Mississippi [Mr. WILLIAMS], who is sick and can not attend, in pursuance of a notice that he gave to that effect.

LEAVE OF ABSENCE.

Mr. SHEPPARD, by unanimous consent, obtained leave of absence for the remainder of the session on account of the serious illness of his mother.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending legislation for the relief of K. Odo and T. Murakami, of Honolulu, Hawaii—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a building on the grounds of the Bureau of Standards—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for encampment and maneuvers of the organized militia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting schedules of papers on the files of his Department not worthy of preservation—to the Special Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting, in response to the inquiry of the House, a letter from the Chief of Ordnance in relation to contracts for armor plate—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POU, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13094) for the relief of street-car motormen, reported the same with amendment, accompanied by a report (No. 4643); which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 217) to return to the proper authorities certain Union and Confederate battle flags, reported the same without amendment, accompanied by a report (No. 4644); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18862) to provide for a land district in Yellowstone and Carbon counties, in the State of Montana, to be known as the Billings land district, reported the same with amendment, accompanied by a report (No. 4645); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1379) for repayment of duty on anthracite coal at the port of Baltimore, Md., reported the same with amendment, accompanied by a report (No. 4646); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Industrial Arts and Expositions, to which was referred the House joint resolution (H. J. Res. 208) to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States, reported the same without amendment, accompanied by a report (No. 4648); which said joint resolution and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 4650); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 18637) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water, reported the same with amendment, accompanied by a report (No. 4653); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McNARY, from the Committee on Claims, to which was referred the bill of the House (H. R. 18308) for the relief of Matthew J. Davis, reported the same without amendment, accompanied by a report (No. 4647); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18964) for the relief of William Radcliffe, reported the same without amendment, accompanied by a report (No. 4649); which said bill and report were referred to the Private Calendar.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3628) for the relief of Claude B. Alverson, reported the same without amendment, accompanied by a report (No. 4651); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 299) for the relief of Mary A. Shufeldt, reported the same with amendment, accompanied by a report (No. 4652); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VOLSTEAD: A bill (H. R. 19046) for the relief of certain settlers upon land within the indemnity limits of the

present St. Paul, Minneapolis and Manitoba Railway Company—to the Committee on the Public Lands.

By Mr. SCUDDER: A bill (H. R. 19047) to increase the powers of the Interstate Commerce Commission, to expedite the final decision of cases arising under the act to regulate commerce, approved February 4, 1887, and to penalize the charging or collecting of unreasonable rates and the making of unreasonable regulations by carriers and others engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: A bill (H. R. 19048) to protect trade and commerce against restraints and monopoly—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 19049) to provide for the purchase of a site and the erection of a public building thereon at Lewisburg, in the State of Tennessee—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE: A bill (H. R. 19050) to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: A bill (H. R. 19051) to amend an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved April 23, 1904—to the Committee on the Public Lands.

By Mr. McCLEARY of Minnesota: A bill (H. R. 19052) to incorporate the American Academy in Rome—to the Committee on the Library.

By Mr. McNARY: A bill (H. R. 19053) to provide for additional central reserve banks in reserve cities—to the Committee on Banking and Currency.

By Mr. BURGESS: A resolution (H. Res. 507) requesting the President to consider the expediency of opening negotiations for certain purposes with other countries—to the Committee on Foreign Affairs.

By Mr. MURDOCK: A resolution (H. Res. 509) requesting the Secretary of Agriculture to investigate and report upon the benefits to accrue to agriculture through the free use of certain kinds of alcohol—to the Committee on Agriculture.

By Mr. BISHOP: A resolution (H. Res. 510) directing the Clerk of the House to pay C. M. Curtiss the sum of \$750, for services rendered to the Tenth Congressional district of Michigan—to the Committee on Accounts.

By Mr. DIXON: Memorial from the legislative assembly of Montana, requesting Congress to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Memorial from the legislative assembly of Wyoming, requesting Congress to enact legislation opening the Wind River Reservation, in Wyoming, to settlement—to the Committee on Indian Affairs.

By Mr. STEVENS: Memorial from the legislative assembly of Minnesota, favoring efficient control of national highways by the Federal Government—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the legislative assembly of Montana, asking Congress to grant extended powers to the Commission of Interstate Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Memorial from the legislative assembly of Minnesota, asking for free importation of seed wheat—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 19054) granting an increase of pension to Gertrude Steelman—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 19055) granting a pension to Alice M. Durney—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 19056) granting an increase of pension to John Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19057) granting an increase of pension to John R. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19058) granting an increase of pension to Seth Knight—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 19059) granting an increase of pension to Alpheus F. Van Niman—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 19060) granting an increase of pension to Beaton Cantwell—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE OF A PETITION.

Under clause 2 of Rule XXII, a petition of C. O. Moore, of Wilburton, Ind. T., in support of bill S. 5952 (presented by Mr. CALDERHEAD), heretofore wrongly referred, was re-referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Wisconsin: Petition of citizens of Fort Atkinson, Wis., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of citizens of Maine, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of Cliff Island, Me., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: Petition of L. D. Comstock and 11 others, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

By Mr. BRANDEGEE: Petition of members of Williams Post, Grand Army of the Republic, of Mystic, Conn., favoring bill H. R. 1204—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, against repeal or modification of the Grout law—to the Committee on Agriculture.

Also, petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Petition of H. A. Kirby, of Providence, R. I., representing the Jewelers' Association and Board of Trade, against the bankruptcy law—to the Committee on the Judiciary.

Also, petition of citizens of Westerly, R. I., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the librarian of the public library of Carolina, R. I., for passage of bill H. R. 16279—to the Committee on the Post-Office and Post-Roads.

Also, petition of the L. & B. Lederer Company, of the Jewelers' Association and Board of Trade, against the bankruptcy act—to the Committee on the Judiciary.

Also, petition of citizens of Rhode Island, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Granite Cutters' Union of Providence, for the use of granite for public buildings in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: Petition of Jaspar Packard Post, No. 589, Grand Army of the Republic, Department of Indiana, favoring bill S. 1257, correcting the military record of George A. Harter—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of the Order of Independent Americans, relative to Indian funds for schools—to the Committee on Indian Affairs.

By Mr. FULLER: Petition of the Union Furniture Company, of Rockford, Ill., favoring the Boutell bill (H. R. 9302)—to the Committee on Ways and Means.

Also, petition of I. P. Rumsey et al., favoring the Gallinger amendment to the statehood bill—to the Committee on the Territories.

By Mr. HINSHAW: Petition of the Nebraska Federation of Commercial Clubs, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Petition of the Order of Railway Conductors of America, Division No. 431, of Greensboro, N. C., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Lakeview Grange, No. 872, Patrons of Husbandry, of Otsego County, Mich., against repeal of the Grout law—to the Committee on Agriculture.

Also, petition of Hope Grange, No. 1016, against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. PRINCE: Petition of A. W. Taylor and 50 others, of Galesburg, Ill., favoring bill H. R. 15797—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Lewisburg and Marshall County, Tenn., asking an appropriation

for a public building at Lewisburg—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Paper to accompany bill for relief of Alpheus S. Van Niman—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of J. J. Manning Lodge, No. 472, Brotherhood of Locomotive Firemen, of Buffalo, N. Y., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of L. J. Lindstrom et al., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Isabel Kincaid et al., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SNOOK: Petition of Northwestern Ohio Swine Breeders' Association, at the eighth annual session, held at Ottawa, Ohio, February 8, 1905, favoring national supervision of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of Hartford Chapter, American Institute of Bank Clerks, favoring the Gaines bill for redemption of mutilated currency—to the Committee on Banking and Currency.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 19, 1905.

The House was called to order at 12 o'clock noon by WILLIAM J. BROWNING, Chief Clerk, who announced that the Speaker had designated the Hon. JOHN DALZELL as Speaker pro tempore for this day.

Mr. DALZELL took the chair as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, our Heavenly Father, for this great Republic of ours, with its phenomenal growth, its magnificent achievements which challenge the admiration of the world. And we are reminded that under Thee the greatness of any nation depends upon the greatness of its people, and that in turn upon the opportunities afforded by the nation to the individual for the unfolding and development of the elements which constitute greatness. We thank Thee, therefore, for an open Bible, the free school, the freedom of the press and speech, and the freedom of worshiping Thee, O God, according to the dictates of conscience.

And we are reminded of that long line of illustrious men and patriots who conceived our nation and who have shaped its policies and made possible its destiny, and we are here to-day to measure the greatness of one of our nation's soldiers, scholars, and statesmen, who, by his great foresight, energy, and perseverance, filled to the full measure every position imposed upon him by his countrymen. Long may his memory live, and longer yet his deeds inspire those who shall come after him with true nobility of soul, high ideals, and lofty purposes.

Grant, O God, our Heavenly Father, that these ceremonies held from time to time may be of such importance that all the Members and their families shall gather here, a tribute to the memory of those who have wrought and labored for the upbuilding of our nation and the support of its principles. Thus, O Heavenly Father, may we all pay a just tribute to our great men, in the name of Jesus Christ our Lord. Amen.

The Clerk began to read the Journal of the proceedings of yesterday.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none, and without objection the Journal will be considered as approved.

There was no objection.

THE LATE SENATOR MATTHEW S. QUAY.

Mr. ADAMS of Pennsylvania. Mr. Speaker, before proceeding, I ask unanimous consent that leave to print remarks relating to these ceremonies be granted to Members of the House for twenty days.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that leave to print remarks relating to the ceremonies upon the late Senator QUAY be granted for twenty days. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.